

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>STATE OF TEXAS, ) Plaintiff, ) VS. ) ERIC H. HOLDER, JR. in his ) official capacity as Attorney ) General of the United States, ) Defendant, ) ERIC KENNIE, et al, ) Defendant-Intervenors, ) TEXAS STATE CONFERENCE OF ) CASE NO. 1:12-CV-00128 NAACP BRANCHES, ) (RMC-DST-RLW) Defendant-Intervenors, ) Three-Judge Court TEXAS LEAGUE OF YOUNG VOTERS ) EDUCATION FUND, et al, ) Defendant-Intervenors, ) TEXAS LEGISLATIVE BLACK ) CAUCUS, et al, ) Defendant-Intervenors, ) VICTORIA RODRIGUEZ, et al., ) Defendant-Intervenors. )</p> <p style="text-align: center;">***** ORAL DEPOSITION OF YANNIS BANKS MAY 25, 2012 *****</p>	<p style="text-align: center;">3</p> <p>1 2 3 APPEARANCES 4 FOR THE PLAINTIFF, STATE OF TEXAS: 5 Matthew Frederick 6 OFFICE OF THE ATTORNEY GENERAL OF TEXAS 7 P.O. Box 12548 8 Austin, TX 78711-2548 9 10 209 West 14th Street 11 8th Floor 12 Austin, TX 78701 13 (512) 475-4330 14 matthew.frederick@texasattorneygeneral.gov 15 16 FOR THE DEFENDANT-INTERVENOR TEXAS STATE CONFERENCE OF 17 NAACP BRANCHES AND THE MEXICAN AMERICAN LEGISLATIVE 18 CAUCUS: 19 Amy L. Rudd 20 DECHERT, LLP 21 300 W. 6th Street 22 Suite 2010 23 Austin, TX 78701 24 (512) 394-3000 25 amy.rudd@dechert.com Gary L. Bledsoe LAW OFFICE OF GARY L. BLEDSOE AND ASSOCIATES 316 W. 12th Street, Suite 307 Austin, TX 78701 (512) 322-9992 garybledsoe@sbcglobal.net Ian Vandewalker (by telephone) Myrna Perez (by telephone)</p>
<p style="text-align: center;">2</p> <p>1 ORAL DEPOSITION OF YANNIS BANKS, produced as a 2 witness at the instance of the Defendant, was duly 3 sworn, was taken in the above-styled and numbered cause 4 on the MAY 25, 2012, from 9:10 a.m. to 3:52 p.m., before 5 Chris Carpenter, CSR, in and for the State of Texas, 6 reported by machine shorthand, at the Offices of the 7 Attorney General of Texas, first floor conference room, 8 209 West 14th Street, Austin, Texas 78701, pursuant to 9 the Federal Rules of Civil Procedure and the provisions 10 stated on the record or attached hereto. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">4</p> <p>1 INDEX 2 Appearances.....3 3 Stipulations pages attached after Page.....166 4 YANNIS BANKS 5 Examination by Mr. Frederick.....6 6 Examination by Mr. Vandewalker.....156 7 8 Signature and Changes.....163 9 Reporter's Certificate.....165 10 11 EXHIBITS 12 NO. DESCRIPTION PAGE MARKED 13 1 Notice of Deposition 11 14 2 Defendant-Intervenor Texas State 73 15 Conference of NAACP Branches' Responses 16 and Objections to the State of Texas' 17 First Set of Interrogatories 18 3 Brennan Center for Justice Letter, Sept. 91 19 14, 2011 20 4 Brennan Center for Justice Letter, Nov. 91 21 16, 2011 22 23 24 25</p>



<p style="text-align: center;">5</p> <p>1 (at 9:10 a.m.)</p> <p>2 (Witness sworn.)</p> <p>3 MR. FREDERICK: Good morning. My name is</p> <p>4 Matt Frederick. I represent the State of Texas.</p> <p>5 And I guess maybe we could go around and</p> <p>6 announce for the record who all is appearing.</p> <p>7 MS. RUDD: Amy Rudd from Dechert on behalf</p> <p>8 of the Texas Conference of the NAACP and Mr. Banks.</p> <p>9 MR. BLEDSOE: Gary Bledsoe for the Texas</p> <p>10 NAACP.</p> <p>11 MR. VANDEWALKER: I'm sorry. For the</p> <p>12 people on the phone, I don't know if the phone could be</p> <p>13 maybe arranged more centrally, but I couldn't really</p> <p>14 hear Amy or Gary very well.</p> <p>15 MS. RUDD: Is it better if we talk like</p> <p>16 this?</p> <p>17 MR. VANDEWALKER: Yes, that's much better.</p> <p>18 Thank you.</p> <p>19 MS. RUDD: Okay. We'll just make sure to</p> <p>20 speak into the microphone.</p> <p>21 MR. FREDERICK: Do you all on the phone</p> <p>22 want to announce for the record?</p> <p>23 MR. VANDEWALKER: Sure. This is Ian</p> <p>24 Vandewalker with the Brennan Center representing</p> <p>25 Defendant Intervenors NAACP and Mexican American --</p>	<p style="text-align: center;">7</p> <p>1 A. Sure. My name is Yannis Banks, and I'm with</p> <p>2 the Texas NAACP.</p> <p>3 Q. Mr. Banks, have you been deposed before?</p> <p>4 A. No, sir. It's my first time.</p> <p>5 Q. Well, I'm going to ask you a couple of</p> <p>6 preliminary questions --</p> <p>7 A. Okay.</p> <p>8 Q. -- just to, kind of, tell you the ground rules</p> <p>9 and make sure we understand each other going forward.</p> <p>10 A. Sure.</p> <p>11 Q. First, are you suffering from any illness today</p> <p>12 that would affect your ability to provide accurate</p> <p>13 answers to my questions?</p> <p>14 A. No, sir.</p> <p>15 Q. Are you taking any medications that might</p> <p>16 affect your ability to provide accurate answers to my</p> <p>17 questions?</p> <p>18 A. No, sir.</p> <p>19 Q. Are you aware of anything else this morning</p> <p>20 that might prevent you from accurately answering my</p> <p>21 questions?</p> <p>22 A. I am not aware.</p> <p>23 Q. Great.</p> <p>24 Let me give you a couple of ground rules.</p> <p>25 The first one, as we've all be figuring out is, I need</p>
<p style="text-align: center;">6</p> <p>1 MS. PEREZ: And I'm Myrna Perez. It's</p> <p>2 M-y-r-n-a, P-e-r-e-z, also with --</p> <p>3 MS. RUDD: You know what, guys, you're</p> <p>4 cutting out.</p> <p>5 MR. VANDEWALKER: Okay. I'm not sure what</p> <p>6 the solution to that is. Did you get our names?</p> <p>7 THE REPORTER: Yes.</p> <p>8 MR. VANDEWALKER: Okay. Maybe we'll have</p> <p>9 to repeat some things.</p> <p>10 THE REPORTER: The only thing that didn't</p> <p>11 come out -- this is Chris Carpenter, the court reporter,</p> <p>12 and the only thing that didn't come out, you said you</p> <p>13 were with the NAACP and the Mexican American, and then</p> <p>14 it cut out.</p> <p>15 MR. VANDEWALKER: The Mexican American</p> <p>16 Legislative Caucus.</p> <p>17 THE REPORTER: Got it. MALC.</p> <p>18 YANNIS BANKS,</p> <p>19 having been first duly sworn to testify the truth, the</p> <p>20 whole truth, and nothing but the truth, testified as</p> <p>21 follows:</p> <p>22 EXAMINATION</p> <p>23 By MR. FREDERICK:</p> <p>24 Q. Mr. Banks, will you please state your name for</p> <p>25 the record?</p>	<p style="text-align: center;">8</p> <p>1 you to answer audibly, just so the court reporter can</p> <p>2 hear. So rather than shaking your head or nodding, if</p> <p>3 you could just say "yes" or "no."</p> <p>4 A. Okay.</p> <p>5 Q. Second, if you don't understand a question that</p> <p>6 I ask, please tell me. I'll be happy to rephrase or</p> <p>7 clarify.</p> <p>8 A. Okay.</p> <p>9 Q. And again, for the court reporter, if you would</p> <p>10 let me finish my question before you answer, just so</p> <p>11 we're not speaking over each other, and I will try and</p> <p>12 do the same for you. I may forget. But if we can just</p> <p>13 try and let each other finish, so that he can get an</p> <p>14 accurate record.</p> <p>15 A. Yes, sir. Not a problem.</p> <p>16 Q. Great.</p> <p>17 Your lawyers may object to my questions.</p> <p>18 Generally, even if your lawyers object, you can still</p> <p>19 answer the question. Do you understand that?</p> <p>20 A. I do, yes.</p> <p>21 Q. Now, there may be times when your lawyers</p> <p>22 instruct you not to answer. In that case, we'll make it</p> <p>23 clear on the record, but in that instance, you can</p> <p>24 refuse to answer if you were so instructed. Do you</p> <p>25 understand that?</p>



<p style="text-align: center;">9</p> <p>1 A. Yes, I do.</p> <p>2 Q. Thank you. All right.</p> <p>3 And are you represented by counsel today?</p> <p>4 A. Yes, I am.</p> <p>5 Q. And who is that?</p> <p>6 A. It would be Gary Bledsoe. The Brennan Center</p> <p>7 is on the phone, and Amy as well.</p> <p>8 Q. Okay. Mr. Banks, what did you do to get ready</p> <p>9 for your deposition today?</p> <p>10 A. I had a conversation with my attorneys.</p> <p>11 Q. Okay. And who was at that -- who was a part of</p> <p>12 that discussion?</p> <p>13 A. The same ones that are here present, Gary</p> <p>14 Bledsoe and Amy and the Brennan Center.</p> <p>15 Q. Okay. Was that conversation in person or by</p> <p>16 phone?</p> <p>17 A. By phone.</p> <p>18 Q. Okay. When did that conversation take place?</p> <p>19 A. Last night.</p> <p>20 Q. Okay. About how long did it last?</p> <p>21 A. Roughly two hours, maybe.</p> <p>22 Q. Okay. Did you meet with or talk to anyone else</p> <p>23 to prepare for your deposition?</p> <p>24 A. Just my attorneys.</p> <p>25 Q. Have you talked to anyone else about, just</p>	<p style="text-align: center;">11</p> <p>1 MR. FREDERICK: Mr. Carpenter, if we could</p> <p>2 mark this as Exhibit 1, please.</p> <p>3 (Exhibit 1 marked for identification.)</p> <p>4 Q. (BY MR. FREDERICK) Mr. Banks, do you recognize</p> <p>5 this document?</p> <p>6 MR. VANDEWALKER: Mr. Frederick, if I can</p> <p>7 just interrupt quickly, just for the practical purposes,</p> <p>8 could you, either yourself or have Mr. Banks identify</p> <p>9 just basically what the document is? I'm sure you were</p> <p>10 going to do that anyway, but we would appreciate it.</p> <p>11 MR. FREDERICK: Yes, we will do that.</p> <p>12 Sure.</p> <p>13 MR. VANDEWALKER: Thank you.</p> <p>14 A. It looks like the -- I guess you would call it</p> <p>15 an order for a deposition.</p> <p>16 Q. (BY MR. FREDERICK) Okay. Have you seen this</p> <p>17 document before?</p> <p>18 A. No, I don't think I ever looked at it. I think</p> <p>19 I was aware of it, but I don't think I actually looked</p> <p>20 at it.</p> <p>21 Q. Do you remember when you became aware of this</p> <p>22 document?</p> <p>23 A. I believe I was told last week about the</p> <p>24 deposition happening. Was it last week? Last week</p> <p>25 seems right.</p>
<p style="text-align: center;">10</p> <p>1 about your deposition?</p> <p>2 A. Just my attorneys.</p> <p>3 Q. Did you review any documents to prepare for</p> <p>4 your deposition today?</p> <p>5 A. I did.</p> <p>6 Q. Can you tell me what documents you reviewed?</p> <p>7 A. The documents that we submitted. I don't</p> <p>8 remember the date that they were submitted by our</p> <p>9 attorneys, but I reviewed most of those.</p> <p>10 Q. Okay. And when you say "submitted," do you</p> <p>11 mean documents that were produced for this case?</p> <p>12 A. Yes.</p> <p>13 Q. Did you bring any documents with you today?</p> <p>14 A. I just brought the letters we submitted to the</p> <p>15 DOJ.</p> <p>16 Q. Oh, okay. Great.</p> <p>17 A. So that's it.</p> <p>18 Q. Okay. And could you give me dates of those</p> <p>19 letters?</p> <p>20 A. Sure. September 14th of 2011 and November 16th</p> <p>21 of 2011.</p> <p>22 Q. Did you meet with or talk to anyone else at the</p> <p>23 NAACP to prepare to testify on specific topics today?</p> <p>24 A. No, just my attorneys.</p> <p>25 Q. Okay.</p>	<p style="text-align: center;">12</p> <p>1 Q. Okay. Now, are you aware that you have been</p> <p>2 designated to address specific subjects in today's</p> <p>3 deposition?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. If you would turn with me to Page 2.</p> <p>6 And this is a list of topics. Is it your understanding</p> <p>7 that you have been designated to testify on Topic</p> <p>8 Number 1?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Did you do anything to prepare for your</p> <p>11 testimony on Topic Number 1?</p> <p>12 A. Just -- besides just looking over documents</p> <p>13 that we produced, that was basically it, and talking</p> <p>14 with my lawyers.</p> <p>15 Q. Okay. Are you familiar -- are you familiar</p> <p>16 with the answer that the Texas NAACP Branches have filed</p> <p>17 in this litigation?</p> <p>18 A. A little bit, yes.</p> <p>19 Q. Okay. Have you -- have you seen it before?</p> <p>20 A. Would that be the RF? What do they call it?</p> <p>21 RFA, I believe, or --</p> <p>22 Q. No. This would be the answer that was filed to</p> <p>23 the State of Texas's complaint.</p> <p>24 A. I'm -- I'm not sure, because I would have to --</p> <p>25 I'm not a lawyer.</p>



<p style="text-align: center;">13</p> <p>1 Q. Sure.</p> <p>2 A. So the different things I've read and seen, I'm</p> <p>3 not sure. I don't want to say yes, and it was something</p> <p>4 else. I'm not sure.</p> <p>5 Q. Okay.</p> <p>6 A. To the question.</p> <p>7 Q. Fair enough. Do you feel like you are prepared</p> <p>8 to testify about the factual basis of the Texas NAACP's</p> <p>9 claims or defenses in this lawsuit?</p> <p>10 A. Yes.</p> <p>11 Q. Now, have you -- have you been designated to</p> <p>12 testify about Topic Number 2 on this notice?</p> <p>13 A. (Reading document.) I don't think I was</p> <p>14 designated for that one, if I remember correctly.</p> <p>15 Q. Okay. Do you believe that you are prepared to</p> <p>16 testify to Topic Number 2?</p> <p>17 A. No.</p> <p>18 Q. Okay. Is it your understanding that you have</p> <p>19 been designated to testify about Topic Number 3?</p> <p>20 A. Yes.</p> <p>21 Q. Did you do anything specific to prepare to</p> <p>22 testify about Topic Number 3?</p> <p>23 A. Just looking over documents that was produced</p> <p>24 and talking to my attorneys.</p> <p>25 Q. Okay. Do you feel like you're prepared to</p>	<p style="text-align: center;">15</p> <p>1 understanding that you have been designated to testify</p> <p>2 as to Topic Number 6?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Other than reviewing the documents that</p> <p>5 have been produced by the Texas NAACP in this</p> <p>6 litigation, have you done anything specific to prepare</p> <p>7 for your testimony on Topic Number 6?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you feel that you are prepared to</p> <p>10 testify as to Topic Number 6?</p> <p>11 A. Yes.</p> <p>12 Q. Moving down to Topic Number 10. Is it your</p> <p>13 understanding that you have been designated to testify</p> <p>14 as to Topic Number 10?</p> <p>15 A. Yes.</p> <p>16 Q. And again, other than reviewing the documents</p> <p>17 that have been produced by the Texas NAACP in this</p> <p>18 litigation, have you done anything specific to prepare</p> <p>19 for your testimony on Topic Number 10?</p> <p>20 A. No.</p> <p>21 Q. Do you feel that you are prepared to testify on</p> <p>22 Topic Number 10?</p> <p>23 A. Yes.</p> <p>24 Q. Topic Number 11. Is it your understanding that</p> <p>25 you are prepared to testify about Top Number 11?</p>
<p style="text-align: center;">14</p> <p>1 testify about Topic Number 3 this morning?</p> <p>2 A. To the -- only to the extent that I can. I'm</p> <p>3 not 100 percent on that one. But I can only speak to</p> <p>4 the knowledge that I do have on it.</p> <p>5 Q. Okay. Is it your understanding that you have</p> <p>6 been designated to testify as to Topic Number 4?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Other than reviewing the documents that</p> <p>9 were produced by the Texas NAACP in this litigation,</p> <p>10 have you reviewed anything or done anything specific to</p> <p>11 prepare to testify on that topic?</p> <p>12 A. Just try to reflect mentally what -- what we've</p> <p>13 done and besides what you stated.</p> <p>14 Q. Okay. And then Topic Number 5, is it your</p> <p>15 understanding that you have been designated to testify</p> <p>16 as to that topic?</p> <p>17 A. Yes.</p> <p>18 Q. Other than the documents that have been</p> <p>19 produced by the Texas NAACP in this litigation, have you</p> <p>20 done anything to prepare to testify on Topic Number 5?</p> <p>21 A. No.</p> <p>22 Q. Do you feel that you are prepared to testify as</p> <p>23 to Topic Number 5 today?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Topic Number 6. Is it your</p>	<p style="text-align: center;">16</p> <p>1 A. Yes.</p> <p>2 Q. Other than reviewing the documents that have</p> <p>3 been produced by the Texas NAACP in this litigation,</p> <p>4 have you done anything specific to prepare for your</p> <p>5 testimony on Topic Number 11?</p> <p>6 A. No.</p> <p>7 Q. Do you feel that you are prepared to testify</p> <p>8 about Topic Number 11 today?</p> <p>9 A. Yes.</p> <p>10 Q. Is it your understanding that you are here to</p> <p>11 testify on behalf of the Texas NAACP on all of the</p> <p>12 topics that we have just gone through?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Mr. Banks, can you tell me what your --</p> <p>15 do you have a position with Texas NAACP?</p> <p>16 A. I do. It's one of many, many hats. We are --</p> <p>17 I'm staffed by them, but it's a one-staff position. So</p> <p>18 I handle many roles, whether it's day-to-day operations</p> <p>19 of the office, I guess you'd call it office manager, if</p> <p>20 you will, just details, doing everything in the office,</p> <p>21 making sure whatever supplies we need, we have.</p> <p>22 I have done the legislative outreach as</p> <p>23 well during the session. Done the web master work for</p> <p>24 them, if you will. I have attended meetings when</p> <p>25 President Bledsoe isn't able to go, or even when he can,</p>



<p style="text-align: center;">17</p> <p>1 I tend to go -- to go with him. I have kept track of</p> <p>2 his schedule, to a degree that I can, working with his</p> <p>3 paralegal to where he needs to be. I have done, you</p> <p>4 know, other little jobs for them, as well. Just</p> <p>5 whatever comes up that needs to be done, I've done that</p> <p>6 as well. So I do quite a few different things for the</p> <p>7 NAACP.</p> <p>8 Q. Do you have a title within NAACP?</p> <p>9 A. It rotates. I have learned -- I have --</p> <p>10 depending, I guess, on what the situation or where I</p> <p>11 am. If I've gone to, you know, different meetings, I</p> <p>12 may be there as a representative for the NAACP.</p> <p>13 I may have done, you know, legislative</p> <p>14 liaison during the session. You know, just depending on</p> <p>15 where we are, I kind of give myself flexibility to --</p> <p>16 since I wear so many hats, it's kind of hard to say,</p> <p>17 well, I'm doing one specific thing. So it kind of</p> <p>18 rotates and floats around to as needed.</p> <p>19 Q. Are you employed full time by the Texas NAACP?</p> <p>20 A. Yes.</p> <p>21 Q. How long have you been employed by the Texas</p> <p>22 NAACP?</p> <p>23 A. I think since 2007. I guess around May of</p> <p>24 2007, or maybe June, somewhere in that area.</p> <p>25 Q. When you started with the Texas NAACP, did you</p>	<p style="text-align: center;">19</p> <p>1 NAACP objects to that line of questioning as --</p> <p>2 MS. RUDD: Ian, was that "irrelevant"?</p> <p>3 MR. VANDEWALKER: Yes.</p> <p>4 MR. FREDERICK: Okay. Well, I'm going to</p> <p>5 ask some questions, and you're free, of course, to</p> <p>6 object as you see fit.</p> <p>7 MR. VANDEWALKER: Okay.</p> <p>8 Q. (BY MR. FREDERICK) Can you explain your</p> <p>9 understanding of what the Texas NAACP's position is on</p> <p>10 the adequacy of the United States representation in this</p> <p>11 litigation?</p> <p>12 MR. VANDEWALKER: Objection, calls for a</p> <p>13 legal conclusion, irrelevant.</p> <p>14 MR. BLEDSOE: Go ahead and answer.</p> <p>15 A. Okay. Well, as I am not an attorney, I think</p> <p>16 that whatever answers that we gave, submitted already,</p> <p>17 speaks for why that is, because I don't have a legal</p> <p>18 background.</p> <p>19 Q. (BY MR. FREDERICK) Do you know what answers</p> <p>20 have been given on that subject before?</p> <p>21 A. Off the top of my head, I cannot recall. I've</p> <p>22 read the document, but I can't recall what was -- what</p> <p>23 was said.</p> <p>24 Q. Okay. But you testified a moment ago that in</p> <p>25 your understanding, the Texas NAACP contends that the</p>
<p style="text-align: center;">18</p> <p>1 have a title at that time or a specific job?</p> <p>2 A. When I started, I had been doing an internship,</p> <p>3 so kind of just when I started, I did as needed from the</p> <p>4 very beginning.</p> <p>5 Q. So in May 2007, when you started, you were an</p> <p>6 intern at that point; is that right?</p> <p>7 A. I had finished the intern. I had to do some</p> <p>8 internship for them. But I wasn't employed until May,</p> <p>9 and it was just a nontitle, just kind of do what you had</p> <p>10 to do at the office.</p> <p>11 Q. So you had been an intern before, and then you</p> <p>12 kind of became an employee in May of 2007?</p> <p>13 A. Correct, yes.</p> <p>14 Q. Other than the roles that you've just gone</p> <p>15 through, has there been any other specific job or role</p> <p>16 that you've had at the Texas NAACP?</p> <p>17 A. None that I am recalling right. It's been many</p> <p>18 years, but those are the ones that are sticking out at</p> <p>19 the moment.</p> <p>20 Q. Okay. Are you aware of whether the Texas NAACP</p> <p>21 contends that the United States does not adequately</p> <p>22 represent its interests in this litigation?</p> <p>23 A. I am, yes.</p> <p>24 MR. VANDEWALKER: I'm going to have to</p> <p>25 object. We talked about -- we had an agreement that the</p>	<p style="text-align: center;">20</p> <p>1 United States does not adequately represent it in this</p> <p>2 litigation?</p> <p>3 A. Yes.</p> <p>4 MR. VANDEWALKER: Objection, misstates</p> <p>5 prior testimony.</p> <p>6 Q. (BY MR. FREDERICK) Do you -- do you know what</p> <p>7 the basis of that contention is?</p> <p>8 MR. VANDEWALKER: Objection, calls for a</p> <p>9 legal conclusion.</p> <p>10 A. Yeah. As an attorney, I can't really say,</p> <p>11 because I don't have the legal expertise to state it.</p> <p>12 Q. (BY MR. FREDERICK) Well, without giving a legal</p> <p>13 conclusion, can you explain, in your own words, how the</p> <p>14 United States's representation of the Texas NAACP in</p> <p>15 this litigation is inadequate?</p> <p>16 MR. VANDEWALKER: Objection. The</p> <p>17 question, while prefaced with the idea that it doesn't</p> <p>18 call for a legal conclusion, still calls for a legal</p> <p>19 conclusion and is irrelevant.</p> <p>20 A. I would stick with what was -- what was</p> <p>21 submitted as the answers already for why we feel, how we</p> <p>22 feel.</p> <p>23 Q. (BY MR. FREDERICK) Okay. And as you sit here</p> <p>24 today, you can't recall what those answers are; is that</p> <p>25 correct?</p>





<p style="text-align: center;">21</p> <p>1 A. That is correct.</p> <p>2 Q. Can you describe for me the Texas NAACP's</p> <p>3 activities related to voter ID legislation in Texas?</p> <p>4 MR. VANDEWALKER: Objection, vague.</p> <p>5 A. Could you be a little bit more specific as far</p> <p>6 as what you're asking?</p> <p>7 Q. (BY MR. FREDERICK) Sure. Did you understand</p> <p>8 the question?</p> <p>9 A. It seemed little too vague for me to really</p> <p>10 understand, I guess, what you're asking, so I just need</p> <p>11 some clarification.</p> <p>12 Q. Can you tell me about the Texas NAACP's</p> <p>13 activities related to Senate Bill 14?</p> <p>14 A. I guess my -- my -- I'm trying to figure out in</p> <p>15 what aspect of -- are you -- are you asking when it</p> <p>16 comes to activities. So could you -- is there another</p> <p>17 way the question can be phrased?</p> <p>18 Q. Did you have any involvement with Senate Bill</p> <p>19 14?</p> <p>20 A. Okay. Involvement meaning -- I guess</p> <p>21 "involvement" is throwing me off. Involvement. How you</p> <p>22 do mean when you say did I have any involvement?</p> <p>23 Q. Do you know what I mean when I say "Texas</p> <p>24 Senate Bill 14"?</p> <p>25 A. I do.</p>	<p style="text-align: center;">23</p> <p>1 Q. Was that live testimony or written testimony?</p> <p>2 A. I believe it was live testimony.</p> <p>3 Q. Okay. Did you submit any written testimony?</p> <p>4 A. I don't think I did.</p> <p>5 Q. Did the Texas NAACP submit any written</p> <p>6 testimony on SB 14?</p> <p>7 A. Yes. President Bledsoe. He did live and he</p> <p>8 did written testimony as well.</p> <p>9 Q. Did anyone else submit live -- did anyone else</p> <p>10 submit written testimony for the Texas NAACP?</p> <p>11 A. I think so, but I'm not 100 percent sure. But</p> <p>12 I believe -- I know we had people who were there, and I</p> <p>13 think they may have.</p> <p>14 Q. Did anyone else, to your knowledge, present</p> <p>15 live testimony for the Texas NAACP in the Legislature in</p> <p>16 2011?</p> <p>17 A. Once again, I think so, but I'm not 100 percent</p> <p>18 with that. I know we had our -- our members there, and</p> <p>19 I know it was a long hearing, so I can't say with 100</p> <p>20 percent accuracy. But I do believe so.</p> <p>21 Q. Other than providing live and written</p> <p>22 testimony, what else did the Texas NAACP do in the</p> <p>23 Legislature with respect to Senate Bill 14?</p> <p>24 A. We worked with different groups to provide</p> <p>25 information to legislators to let them know our concerns</p>
<p style="text-align: center;">22</p> <p>1 Q. And what is that?</p> <p>2 A. That would be the bill that was passed, that's</p> <p>3 concerning the voter ID that was passed by the Texas</p> <p>4 Legislature last session.</p> <p>5 Q. Did you give any testimony in the Legislature</p> <p>6 on Senate Bill 14?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell me when you gave testimony?</p> <p>9 A. I believe it was for the House hearing on</p> <p>10 Senate Bill 14, and I don't recall the date. But I</p> <p>11 believe I did do testimony for the House hearing.</p> <p>12 Q. And was that the House -- that was the House</p> <p>13 Committee hearing?</p> <p>14 A. House Committee, yes, I'm sorry.</p> <p>15 Q. That's all right.</p> <p>16 A. Yes. House Committee hearing.</p> <p>17 Q. And you don't remember exactly what date it</p> <p>18 was?</p> <p>19 A. I don't. It may have been in February. I</p> <p>20 think it was in February-ish, but I don't remember the</p> <p>21 date from last year.</p> <p>22 Q. But it was in 2011?</p> <p>23 A. Yes.</p> <p>24 Q. And it was during the legislative session?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: center;">24</p> <p>1 with the bill. And I'm trying to remember what else</p> <p>2 were done -- was done. I believe our members contacted</p> <p>3 their legislators as well to let them know concerns</p> <p>4 about Senate Bill 14 as well. And that's all I can</p> <p>5 recall at the moment.</p> <p>6 Q. Did the NAACP, the Texas NAACP, provide any</p> <p>7 materials to its members dealing with SB 14?</p> <p>8 A. I think we did, yes.</p> <p>9 Q. Do you recall what those materials were?</p> <p>10 A. It may have just been talking point e-mails</p> <p>11 about what's in the bill, so they would be informed and</p> <p>12 understanding what -- what the bill entails, and maybe</p> <p>13 even a copy of the bill. It's possible. But just so</p> <p>14 that when they will have an understanding and be</p> <p>15 knowledgeable about what's happening.</p> <p>16 Q. And when you say talking points, would that be</p> <p>17 sort of a summary or list of issues about the bill?</p> <p>18 A. Yes. It would be a summary and -- yes, a</p> <p>19 summary and a list of what's in the bill. I'm pretty</p> <p>20 sure a copy of the bill as well, so that they can read</p> <p>21 it and have an understanding, but -- because I know, you</p> <p>22 know, the language can be kind of confusing and</p> <p>23 difficult to read. So just so they have a better grasp</p> <p>24 of it.</p> <p>25 Q. Other -- other than talking points and maybe a</p>



<p style="text-align: center;">25</p> <p>1 copy of the bill itself, are you aware of any other</p> <p>2 materials or information that the Texas NAACP sent to</p> <p>3 its members about SB 14?</p> <p>4 A. No, I can't say I recall any at this moment.</p> <p>5 Q. Were there any meetings of the Texas NAACP</p> <p>6 where SB 14 was discussed?</p> <p>7 A. I guess, could you be -- I guess, is there a</p> <p>8 time period that we're talking about or --</p> <p>9 Q. Sure. Sure. I guess the time period for SB 14</p> <p>10 that I would be thinking about, let's say -- I'm trying</p> <p>11 to decide when the old session would really end and the</p> <p>12 new one begin. But let's say since the beginning of</p> <p>13 January 1st, 2010, through the -- I guess, through the</p> <p>14 present, have there been any meetings --</p> <p>15 A. Okay.</p> <p>16 Q. -- of the Texas NAACP in which SB 14 was</p> <p>17 discussed?</p> <p>18 A. I guess from 2010, last year, until now, yes.</p> <p>19 Q. Okay. Can you tell me what those meetings</p> <p>20 were, just generally?</p> <p>21 A. Sure. At our quarterly meetings that we do</p> <p>22 have, from -- during that time period, it was brought up</p> <p>23 at different meetings, one, so people can be informed,</p> <p>24 and then, two, discussing, you know, after it was</p> <p>25 passed, what was in the bill so people would know. And</p>	<p style="text-align: center;">27</p> <p>1 newsletters generally, or e-mail blasts or anything sent</p> <p>2 to members dealing with SB 14?</p> <p>3 A. None that I recall. Well, I probably sent out</p> <p>4 e-mails just informing what was happening during the</p> <p>5 legislative session, so people would be informed. But</p> <p>6 -- so there may have been a few e-mails that did go out</p> <p>7 about SB 14.</p> <p>8 Q. Is it part of your job duties with the Texas</p> <p>9 NAACP to send out e-mails to the membership?</p> <p>10 A. That does occur for -- communication is done</p> <p>11 through -- a lot of communication can be done through</p> <p>12 e-mail, so I -- I send out e-mails on a regular basis.</p> <p>13 I'd say yes.</p> <p>14 Q. Are you generally responsible for communicating</p> <p>15 with the membership for the Texas NAACP?</p> <p>16 A. I'd say no.</p> <p>17 Q. Who -- who is responsible for that?</p> <p>18 A. The state secretary, Linda Lydia does. She --</p> <p>19 she does that.</p> <p>20 Q. Does the Texas NAACP keep minutes or other</p> <p>21 records of its quarterly meetings?</p> <p>22 A. We do.</p> <p>23 Q. If SB 14 were discussed at a quarterly meeting,</p> <p>24 would it be included in the minutes?</p> <p>25 A. Probably. I get copies of the minutes, but</p>
<p style="text-align: center;">26</p> <p>1 then so they have an understanding of the process of how</p> <p>2 it's -- it hasn't gone into effect.</p> <p>3 Even though it's passed by the Legislature</p> <p>4 and signed by the Governor, it still had to -- the steps</p> <p>5 that it still had to go through to become enacted in</p> <p>6 law. And then once, I guess, it was submitted to DOJ</p> <p>7 about what we're doing with submitting the letters to</p> <p>8 the DOJ and then, so, we wanted to make sure our members</p> <p>9 were -- had an understanding of the process, and even to</p> <p>10 make sure they could inform people in their community</p> <p>11 about what the voting law still is currently so there</p> <p>12 wouldn't be any confusion amongst folks.</p> <p>13 Q. And the quarterly meetings, generally, who --</p> <p>14 who attends those meetings?</p> <p>15 A. The membership -- well, the membership branches</p> <p>16 from throughout the state, as well as our executive</p> <p>17 officers, the elected officers, and the executive</p> <p>18 committee comprised of the chairs and then</p> <p>19 representation from the different branches throughout</p> <p>20 the state.</p> <p>21 Q. Other than the quarterly meetings that you just</p> <p>22 mentioned, can you think of any other meetings during</p> <p>23 the time period we discussed when SB 14 was discussed?</p> <p>24 A. None that I can recall.</p> <p>25 Q. Were there any newsletters or -- I'll say</p>	<p style="text-align: center;">28</p> <p>1 I've never read over the minutes, so -- but I would say</p> <p>2 probably, yeah.</p> <p>3 Q. Do you know whether -- do you know whether any</p> <p>4 e-mails sent to the membership have been produced in</p> <p>5 this litigation?</p> <p>6 A. I can't say. I'm not aware.</p> <p>7 Q. Do you know if any meeting minutes have been</p> <p>8 produced in this litigation?</p> <p>9 A. I am not aware.</p> <p>10 Q. Do you know if any talking points -- if any</p> <p>11 talking points that were sent to the membership, if any</p> <p>12 of those have been produced in this litigation?</p> <p>13 A. I believe so.</p> <p>14 Q. Do you recall what -- what the talking points</p> <p>15 were that were sent to the membership about SB 14?</p> <p>16 A. I cannot, no.</p> <p>17 Q. You said you had -- well, you said the Texas</p> <p>18 NAACP had worked with different groups to provide</p> <p>19 information to legislators. Do you remember what groups</p> <p>20 the Texas NAACP worked with?</p> <p>21 A. Yes. Some of them. I can't remember all of</p> <p>22 them.</p> <p>23 Q. Can you tell me the groups that you can recall?</p> <p>24 A. Sure. I work with MALDEF, the League of Women</p> <p>25 Voters, the ACLU. And what's the name? I believe</p>



<p style="text-align: center;">29</p> <p>1 they're called Disability Rights of Texas. I think</p> <p>2 that's their new name. Oh, gosh. The League of Young</p> <p>3 Voters, I believe is what they're called. And that's</p> <p>4 all I can recall at -- right now.</p> <p>5 Q. The Disability Rights Texas, was that -- was</p> <p>6 their old name Advocacy, Inc.?</p> <p>7 A. I believe so, yes.</p> <p>8 Q. Okay.</p> <p>9 A. I think they it changed last year.</p> <p>10 Q. Can you describe the Texas NAACP's work with</p> <p>11 MALDEF related to SB 14?</p> <p>12 A. Sure. We would look over the bills, or</p> <p>13 whatever bills were filed, and see the different, I</p> <p>14 guess, concerns we would have with the bill, and, I</p> <p>15 guess, talk about, you know, how it is -- how we</p> <p>16 interpreted it and the concerns we would have about the</p> <p>17 bill, and then -- that may have been it. Yeah, I think</p> <p>18 that might have been it. That's all I can recall for</p> <p>19 the time being.</p> <p>20 Q. Did Texas NAACP's work with MALDEF, was that</p> <p>21 done by in-person meetings?</p> <p>22 A. We -- we did meet in person, yes.</p> <p>23 Q. Do you recall about how many times?</p> <p>24 A. I -- no, I don't recall. Yeah. I don't recall</p> <p>25 the number. It was quite a few times. But I don't</p>	<p style="text-align: center;">31</p> <p>1 League of Young Voters?</p> <p>2 A. Disenfranchisement of young voters, the</p> <p>3 possibility you'd have by not including forms of ID that</p> <p>4 they would tend to have.</p> <p>5 Q. Do you recall what kinds of ID those -- what</p> <p>6 kinds of ID were discussed in relation to young voters?</p> <p>7 MR. VANDEWALKER: I'm going to have to</p> <p>8 object. The fact that these meetings took place is</p> <p>9 certainly fair game, but inasmuch as you're getting into</p> <p>10 the substance of what was said, we have a common</p> <p>11 interest with these organizations, which include</p> <p>12 lawyers, and so these conversations, the subject of</p> <p>13 these conversations that you're getting into are</p> <p>14 privileged attorney-client -- the attorney-client</p> <p>15 privilege. I direct the witness not to answer them.</p> <p>16 Q. (BY MR. FREDERICK) At the Texas NAACP's</p> <p>17 meetings with Texas League of Young Voters -- sorry.</p> <p>18 Let me back up.</p> <p>19 Are you going to follow your attorney's</p> <p>20 advice and not answer the question?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. In the Texas NAACP's meetings with the</p> <p>23 League of Young Voters, do you recall who was present at</p> <p>24 those meetings?</p> <p>25 A. I do not.</p>
<p style="text-align: center;">30</p> <p>1 remember a specific number.</p> <p>2 Q. Were those meetings mostly during the</p> <p>3 legislative session?</p> <p>4 A. About Senate Bill 14?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall any meetings other than during</p> <p>8 the legislative session with MALDEF about SB 14?</p> <p>9 A. No.</p> <p>10 Q. Can you describe the Texas NAACP's work with</p> <p>11 the Texas League of Young Voters regarding SB 14?</p> <p>12 A. It was -- we had, I guess, direct in-person</p> <p>13 meetings, and pretty similar with MALDEF as far as</p> <p>14 talking about the concerns about the bill, and they know</p> <p>15 our worries about what effect the bills would have on</p> <p>16 the citizens and the people of Texas.</p> <p>17 Q. Were the Texas NAACP's meetings about SB 14</p> <p>18 with the Texas League of Young Voters mostly during the</p> <p>19 legislative session?</p> <p>20 A. Yes.</p> <p>21 Q. Can you recall any -- any meetings that took</p> <p>22 place not during the legislative session?</p> <p>23 A. No, I can't recall any.</p> <p>24 Q. Can you recall what specific concerns were</p> <p>25 expressed in the Texas NAACP's meetings with Texas</p>	<p style="text-align: center;">32</p> <p>1 Q. Were there attorneys at those meetings?</p> <p>2 A. I can't recall who was there representing them,</p> <p>3 so I -- I don't know.</p> <p>4 Q. Okay. Do you believe or do you recall that</p> <p>5 there were any attorneys at those meetings?</p> <p>6 MR. VANDEWALKER: Objection, calls for</p> <p>7 speculation.</p> <p>8 Q. (BY MR. FREDERICK) Did you attend those</p> <p>9 meetings?</p> <p>10 A. I did.</p> <p>11 Q. So as far as you recall, were there any</p> <p>12 attorneys at those meetings?</p> <p>13 A. I -- I don't recall.</p> <p>14 MR. VANDEWALKER: Objection, asked and</p> <p>15 answered.</p> <p>16 Q. (BY MR. FREDERICK) Do you recall whether there</p> <p>17 was any legal advice given at these meetings?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay. So can you tell me, in terms of</p> <p>20 disenfranchisement of young voters, what were the</p> <p>21 specific types of ID discussed by the Texas League of</p> <p>22 Young Voters in these meetings? What were the specific</p> <p>23 types of ID --</p> <p>24 MR. VANDEWALKER: Objection. That's</p> <p>25 attorney-client privilege, and I instruct the witness</p>





<p style="text-align: center;">33</p> <p>1 not to answer.</p> <p>2 MR. FREDERICK: Can you just let me finish</p> <p>3 my question?</p> <p>4 MR. VANDEWALKER: I'm sorry. I'm sorry.</p> <p>5 I thought you were finished, and I apologize.</p> <p>6 MR. FREDERICK: That's all right.</p> <p>7 Q. (BY MR. FREDERICK) In the Texas NAACP's</p> <p>8 meetings with the Texas League of Young Voters that</p> <p>9 we've been talking about, about SB 14, do you recall</p> <p>10 what specific kinds of ID were discussed in connection</p> <p>11 with young voters?</p> <p>12 MR. VANDEWALKER: Same objection.</p> <p>13 Q. (BY MR. FREDERICK) And right now, I'm just</p> <p>14 asking if you recall or not. So you can answer yes or</p> <p>15 no.</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay.</p> <p>18 MR. FREDERICK: So Mr. Vandewalker, it's</p> <p>19 the State's position that there has not been a</p> <p>20 foundation laid for the attorney-client privilege or any</p> <p>21 other privilege that might apply concerning these</p> <p>22 meetings between the Texas League of Young Voters and</p> <p>23 the Texas NAACP, so I would ask that you allow me to ask</p> <p>24 the questions I've been asking. And I'm happy to ask</p> <p>25 them again.</p>	<p style="text-align: center;">35</p> <p>1 not to answer.</p> <p>2 A. I will follow the advice of my attorney.</p> <p>3 Q. (BY MR. FREDERICK) In the Texas NAACP's</p> <p>4 meetings with the Texas League of Young Voters about SB</p> <p>5 14, was the subject of litigation ever discussed?</p> <p>6 MR. VANDEWALKER: Objection. That's</p> <p>7 privileged.</p> <p>8 Q. (BY MR. FREDERICK) Are you going to follow the</p> <p>9 advice of your attorney?</p> <p>10 A. I am, sorry.</p> <p>11 MR. FREDERICK: Let me make clear:</p> <p>12 Mr. Vandewalker, are you instructing the witness not to</p> <p>13 answer on the basis of privilege?</p> <p>14 MR. VANDEWALKER: Yes, sir.</p> <p>15 MR. FREDERICK: Okay. Thank you.</p> <p>16 Q. (BY MR. FREDERICK) Was the subject of --</p> <p>17 specifically of Section 5 litigation against the State</p> <p>18 of Texas discussed at meetings with the Texas League of</p> <p>19 Young Voters?</p> <p>20 MR. VANDEWALKER: Objection on the basis</p> <p>21 of privilege, and I instruct Mr. Banks not to answer.</p> <p>22 A. I will follow the advice of my attorney.</p> <p>23 Q. (BY MR. FREDERICK) Other than concerns about</p> <p>24 the potential disenfranchisement of young voters, do you</p> <p>25 recall any specific issue that was discussed during the</p>
<p style="text-align: center;">34</p> <p>1 MR. VANDEWALKER: Yeah. I mean, the -- we</p> <p>2 continue to object, the attorney-client privilege covers</p> <p>3 the content of those meetings. And, I mean, you're, of</p> <p>4 course, free to ask the questions, but we're not</p> <p>5 withdrawing that objection or waiving the privilege.</p> <p>6 Q. (BY MR. FREDERICK) In these meetings with the</p> <p>7 Texas League of Young Voters, do you recall whether</p> <p>8 student identification was discussed?</p> <p>9 MR. VANDEWALKER: Objection, privilege. I</p> <p>10 instruct Mr. Banks not to answer.</p> <p>11 A. I will follow the advice of my attorney.</p> <p>12 Q. (BY MR. FREDERICK) Do you -- do you recall any</p> <p>13 specific kind of identification that was discussed in</p> <p>14 meetings with the Texas League of Young Voters with</p> <p>15 respect to --</p> <p>16 MR. VANDEWALKER: Objection on the basis</p> <p>17 of privilege -- I'm sorry. Was the question finished?</p> <p>18 MR. FREDERICK: Not quite.</p> <p>19 MR. VANDEWALKER: Okay.</p> <p>20 Q. (BY MR. FREDERICK) Do you recall -- do you</p> <p>21 recall, in the meetings with Texas League of Young</p> <p>22 Voters, any specific form of identification that was</p> <p>23 discussed in connection with young voters?</p> <p>24 MR. VANDEWALKER: Objection on the basis</p> <p>25 of attorney-client privilege, and I instruct Mr. Banks</p>	<p style="text-align: center;">36</p> <p>1 Texas NAACP's meetings with the Texas League of Young</p> <p>2 Voters?</p> <p>3 MR. VANDEWALKER: Objection on the basis</p> <p>4 of privilege, and I instruct Mr. Banks not to answer.</p> <p>5 A. I will follow the advice of my attorneys.</p> <p>6 Q. (BY MR. FREDERICK) I'm going to ask the</p> <p>7 question again, and just tell you that at this point,</p> <p>8 I'm just asking a yes-or-no question, so I'm not asking</p> <p>9 yet what the specific issues were. So let me just ask</p> <p>10 again.</p> <p>11 Other than potential disenfranchisement of</p> <p>12 young voters, do you recall any specific topic that was</p> <p>13 discussed at the Texas NAACP's meetings with the Texas</p> <p>14 League of Young Voters about SB 14?</p> <p>15 MR. VANDEWALKER: I'm going to object. I</p> <p>16 believe what you're trying to ask is do you recall or</p> <p>17 not. Is that --</p> <p>18 MR. FREDERICK: Correct.</p> <p>19 MR. VANDEWALKER: Okay. Objection</p> <p>20 withdrawn.</p> <p>21 A. Could you rephrase the -- re-ask the question</p> <p>22 again. I'm sorry.</p> <p>23 Q. (BY MR. FREDERICK) Of course.</p> <p>24 Other than the potential</p> <p>25 disenfranchisement of young voters, do you recall any</p>



<p style="text-align: center;">37</p> <p>1 specific topic that was discussed at meetings between</p> <p>2 the Texas NAACP and Texas League of Young Voters about</p> <p>3 SB 14?</p> <p>4 A. To my recollection right now, no, I -- no.</p> <p>5 Q. Okay. Going back briefly to MALDEF, do you</p> <p>6 recall what topics were discussed in the Texas NAACP's</p> <p>7 meetings with MALDEF about SB 14?</p> <p>8 MR. VANDEWALKER: Obviously, we have the</p> <p>9 same objections to the questioning. Unless you want to</p> <p>10 clarify the question, it's just what Mr. Banks recalls</p> <p>11 what was discussed or not as of --</p> <p>12 Q. (BY MR. FREDERICK) Yeah. Right now, my</p> <p>13 question is just whether you recall or not. So let me</p> <p>14 ask it again --</p> <p>15 A. Sure.</p> <p>16 Q. -- with that clarification.</p> <p>17 Do you recall what specific topics or any</p> <p>18 specific topics that were discussed at meetings between</p> <p>19 the Texas NAACP and MALDEF about SB 14?</p> <p>20 A. Specific topics. Could you ask it one more</p> <p>21 time?</p> <p>22 Q. Of course. Do you recall any specific topic</p> <p>23 that was discussed at meetings between MALDEF and Texas</p> <p>24 NAACP concerning SB 14?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">39</p> <p>1 Q. Were those in-person meetings?</p> <p>2 A. Yes.</p> <p>3 Q. Were there also other kinds of meetings, like</p> <p>4 over the telephone?</p> <p>5 A. I don't recall having any over the telephone</p> <p>6 with -- with -- with them.</p> <p>7 Q. Do you recall about how many meetings there</p> <p>8 were with the League of Women Voters?</p> <p>9 A. I couldn't give a -- a number.</p> <p>10 Q. Were there more than 10? Less than 10?</p> <p>11 A. Oh. I couldn't -- it was a few, but I couldn't</p> <p>12 give -- a idea of numbers, I couldn't really say.</p> <p>13 Q. Okay. Were these -- as far as you recall, were</p> <p>14 these meetings during the legislative session?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall any meetings with the League of</p> <p>17 Women Voters that were not during the legislative</p> <p>18 session about SB 14?</p> <p>19 A. No, I don't recall any.</p> <p>20 Q. Okay. Do you remember who was at those</p> <p>21 meetings?</p> <p>22 A. Yes, for the most part. Anita Privett was</p> <p>23 there at those meetings, and there was other people.</p> <p>24 The only name I remember is -- is Anita's.</p> <p>25 Q. And is Ms. Privett, is she with the Texas</p>
<p style="text-align: center;">38</p> <p>1 Q. Can you tell me what those topics were?</p> <p>2 MR. VANDEWALKER: Objection. That's</p> <p>3 privileged, and I instruct the witness not to answer.</p> <p>4 A. I will follow the advice of my attorney.</p> <p>5 Q. (BY MR. FREDERICK) Can you describe generally</p> <p>6 the Texas NAACP's work with the League of Women Voters</p> <p>7 concerning SB 14?</p> <p>8 A. Could you ask the question again? I'm sorry.</p> <p>9 Q. Sure. Can you describe the Texas NAACP's work</p> <p>10 with the League of Women Voters about SB 14?</p> <p>11 A. We --</p> <p>12 MR. VANDEWALKER: I'm going to have to</p> <p>13 object on the same basis.</p> <p>14 A. I will follow the advice of my attorneys.</p> <p>15 MR. FREDERICK: I'll ask a different</p> <p>16 question.</p> <p>17 THE WITNESS: Sure.</p> <p>18 MR. FREDERICK: Let's clarify.</p> <p>19 Mr. Vandewalker, did you instruct the witness not to</p> <p>20 answer on the basis of privilege?</p> <p>21 MR. VANDEWALKER: Yes, sir.</p> <p>22 MR. FREDERICK: Okay. Thanks.</p> <p>23 Q. (BY MR. FREDERICK) Did the Texas NAACP have</p> <p>24 meetings about SB 14 with the League of Women Voters?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">40</p> <p>1 NAACP?</p> <p>2 A. No.</p> <p>3 Q. Oh, she's with the League of Young -- or, sorry</p> <p>4 -- League of Women Voters?</p> <p>5 A. Yes.</p> <p>6 Q. And you don't recall anybody else specifically</p> <p>7 who was at those meetings?</p> <p>8 A. I couldn't recall names, no.</p> <p>9 Q. Were you at any of those meetings?</p> <p>10 A. Yes.</p> <p>11 Q. Were you at all of those meetings?</p> <p>12 A. Yes.</p> <p>13 Q. Were there any attorneys at those meetings?</p> <p>14 A. I couldn't say. I'm not familiar with who --</p> <p>15 what the people's specific jobs were. I never really</p> <p>16 asked, so...</p> <p>17 Q. Were there -- were there any attorneys for the</p> <p>18 Texas NAACP at those meetings?</p> <p>19 A. In regards to SB 14 or the League of Women</p> <p>20 Voters? I guess, what's the question?</p> <p>21 Q. Sure. Were there any lawyers for the Texas</p> <p>22 NAACP present at meetings with the League of Women</p> <p>23 Voters about SB 14?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Going back quickly to MALDEF, in the meetings</p>



<p style="text-align: center;">41</p> <p>1 that the Texas NAACP had with MALDEF about SB 14, were</p> <p>2 there any attorneys for the NAACP at those meetings?</p> <p>3 A. Not that I recall, but I'm not sure.</p> <p>4 Q. Can you describe just the general subject</p> <p>5 matter of meetings between Texas NAACP and the League of</p> <p>6 Women Voters about SB 14?</p> <p>7 MR. VANDEWALKER: I'm going to object on</p> <p>8 the basis of common interest and joint defense privilege</p> <p>9 and instruct the witness not to answer.</p> <p>10 A. I follow the advice of my attorney.</p> <p>11 MR. VANDEWALKER: Sorry. The privilege I</p> <p>12 was referring to is joint defense and common interest</p> <p>13 privilege.</p> <p>14 MR. FREDERICK: Mr. Vandewalker, I wonder,</p> <p>15 can you -- can you tell me when you contend the joint</p> <p>16 defense and common interest privileges attached? What</p> <p>17 date?</p> <p>18 MR. VANDEWALKER: The group in question</p> <p>19 have opposed SB 14. They have been contemplating</p> <p>20 potential preclearance litigation.</p> <p>21 MR. FREDERICK: So, I'm sorry, you cut out</p> <p>22 a little bit. Can you give me an idea of when that</p> <p>23 started?</p> <p>24 MR. VANDEWALKER: I don't know the</p> <p>25 relevant calendar date, but it's the entire existence of</p>	<p style="text-align: center;">43</p> <p>1 A. I was.</p> <p>2 Q. Can you recall anybody else who was there?</p> <p>3 A. Sonia for the ACLU, and I can't recall her last</p> <p>4 name at the moment, she was there.</p> <p>5 Q. Do you recall about how many people were there</p> <p>6 at these meetings?</p> <p>7 A. There was a few, but I couldn't give a good</p> <p>8 number. But there was a few at the meetings, yes.</p> <p>9 Q. Was it less than 20?</p> <p>10 A. That's fair to say, I -- I think.</p> <p>11 Q. Can you -- as far as you can recall, can you</p> <p>12 say whether it was less than 10?</p> <p>13 A. That I couldn't say.</p> <p>14 Q. Were there any lawyers present at the Texas</p> <p>15 NAACP's meetings with the ACLU about SB 14?</p> <p>16 A. I wouldn't know as far as who. Obviously, we</p> <p>17 know whose -- what somebody's job title, so I can't say.</p> <p>18 Q. As far as you can recall, were there any NAACP</p> <p>19 lawyers at the meetings with the ACLU about SB 14?</p> <p>20 A. I don't recall, but I'm not sure.</p> <p>21 Q. Do you recall any specific topics that were</p> <p>22 discussed at meetings between the Texas NAACP and the</p> <p>23 ACLU about SB 14?</p> <p>24 MR. VANDEWALKER: Objection on the basis</p> <p>25 of common interest privilege. I instruct Mr. Banks not</p>
<p style="text-align: center;">42</p> <p>1 SB 14, at least since January of 2012.</p> <p>2 Q. (BY MR. FREDERICK) Can you describe for me</p> <p>3 generally the -- the work that Texas NAACP did with the</p> <p>4 ACLU regarding SB 14?</p> <p>5 MR. VANDEWALKER: I'm going to object on</p> <p>6 the basis of common interest privilege as before, and</p> <p>7 instruct the witness not to answer.</p> <p>8 A. And I will follow the advice of my attorney.</p> <p>9 Q. (BY MR. FREDERICK) Did the Texas NAACP have any</p> <p>10 meetings with the ACLU about SB 14?</p> <p>11 A. Yes.</p> <p>12 Q. Were those in-person meetings?</p> <p>13 A. Yes.</p> <p>14 Q. Were there any meetings other than in-person</p> <p>15 meetings, such as telephone?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Do you recall how many meetings there were</p> <p>18 between Texas NAACP and the ACLU about SB 14?</p> <p>19 A. I -- I couldn't give a -- a number.</p> <p>20 Q. Can you say whether or not it was more than 10</p> <p>21 or less than 10?</p> <p>22 A. Yeah, I wouldn't feel comfortable with -- with</p> <p>23 giving any kind of number.</p> <p>24 Q. Do you recall who was present at the Texas</p> <p>25 NAACP's meetings with the ACLU about SB 14?</p>	<p style="text-align: center;">44</p> <p>1 to answer.</p> <p>2 A. I will follow the advice of my attorney.</p> <p>3 Q. (BY MR. FREDERICK) To clarify the question that</p> <p>4 I want to ask now is just whether or not you recall</p> <p>5 without asking what the specific topics were.</p> <p>6 A. Okay.</p> <p>7 Q. Do you recall any specific topics that were</p> <p>8 discussed at meetings between the ACLU and Texas NAACP</p> <p>9 about SB 14?</p> <p>10 A. Yes.</p> <p>11 Q. What topics were discussed at those meetings?</p> <p>12 MR. VANDEWALKER: Objection on the basis</p> <p>13 of privilege. I instruct Mr. Banks not to answer.</p> <p>14 MR. FREDERICK: Can you please clarify</p> <p>15 what privilege you're instructing him based on?</p> <p>16 MR. VANDEWALKER: Common interest,</p> <p>17 attorney-client privilege. Joint defense. Sorry. Let</p> <p>18 me start over. The same privilege identified before: A</p> <p>19 common interest and joint defense attorney-client</p> <p>20 privilege.</p> <p>21 Q. (BY MR. FREDERICK) Now, you said that there</p> <p>22 were -- that the Texas NAACP worked with Disability</p> <p>23 Rights Texas with respect to SB 14. Were -- did the</p> <p>24 Texas NAACP have meetings with Disability Rights Texas</p> <p>25 about SB 14?</p>



<p style="text-align: center;">45</p> <p>1 A. Yes.</p> <p>2 Q. Were those in-person meetings?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall if there were any meetings by</p> <p>5 telephone or other than in person?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Do you recall how many meetings there were</p> <p>8 between Texas NAACP and Disability Rights Texas?</p> <p>9 A. No, sir, I don't recall how many.</p> <p>10 Q. Can you say whether it was less than 10, more</p> <p>11 than 10?</p> <p>12 A. Yeah, I couldn't put a number to -- to that one</p> <p>13 either.</p> <p>14 Q. Okay. Were the meetings between Texas NAACP</p> <p>15 and Disability Rights Texas during the 2011 legislative</p> <p>16 session?</p> <p>17 A. Yes.</p> <p>18 Q. Can you recall any meetings that were with</p> <p>19 Disability Rights Texas that were not during the</p> <p>20 legislative session in 2011?</p> <p>21 A. No.</p> <p>22 Q. Do you recall who was present at meetings with</p> <p>23 Disability Rights Texas?</p> <p>24 A. I was. And then I believe Jessica, I want to</p> <p>25 say Gomez, for Disability Rights Texas was there.</p>	<p style="text-align: center;">47</p> <p>1 Q. So there could have been a lawyer present, but</p> <p>2 you just can't recall specifically?</p> <p>3 A. Right.</p> <p>4 MR. VANDEWALKER: Mr. Frederick, if I</p> <p>5 could -- we have been going for about an hour now, if I</p> <p>6 could suggest taking a break?</p> <p>7 MR. FREDERICK: Yeah, that's fine with me.</p> <p>8 MR. VANDEWALKER: Okay. Now is a good</p> <p>9 time?</p> <p>10 MR. FREDERICK: Sure.</p> <p>11 (Recess from 10:18 a.m. to 10:34 a.m.)</p> <p>12 MR. FREDERICK: Let's go back on the</p> <p>13 record.</p> <p>14 MR. VANDEWALKER: Okay. And if I could</p> <p>15 just -- I just want take a second to clarify something</p> <p>16 for the last line of questions. Just to make things go</p> <p>17 a little smoother hopefully, Mr. Frederick, I want to</p> <p>18 clarify that we are not asserting a common interest</p> <p>19 privilege prior to the date that SB 14 was enacted,</p> <p>20 which I believe was May of 2011. So I know that there</p> <p>21 were some back and forth about dates, and some of your</p> <p>22 questions seemed to cover any discussions about SB 14 at</p> <p>23 any time, so I just wanted to clarify that we're not</p> <p>24 asserting the privilege prior to the enactment of the</p> <p>25 law.</p>
<p style="text-align: center;">46</p> <p>1 Q. Can you recall any other people who were at</p> <p>2 those meetings?</p> <p>3 A. Yes. I believe there also was representation</p> <p>4 from ACLU, I believe was there, as well as MALDEF and</p> <p>5 League of Women Voters.</p> <p>6 MR. VANDEWALKER: I'm sorry. Could I,</p> <p>7 just for the benefit of the people on the phone, make</p> <p>8 sure we have the microphone pointed at Mr. Banks,</p> <p>9 because he's fading out a little bit?</p> <p>10 THE WITNESS: Sorry. Can you hear me?</p> <p>11 MR. VANDEWALKER: Yes. Thank you.</p> <p>12 THE WITNESS: Okay. Sorry.</p> <p>13 Q. (BY MR. FREDERICK) Other than yourself and</p> <p>14 Ms. Gomez, can you recall any specific individuals who</p> <p>15 were at the meetings with Disability Rights Texas?</p> <p>16 A. Yes. Luis Figueroa was there, Anita Privett,</p> <p>17 and Sonia.</p> <p>18 Q. Were any lawyers for the NAACP present at</p> <p>19 meetings with Disability Rights Texas?</p> <p>20 A. Not that I can recall, but I can't remember all</p> <p>21 of the...</p> <p>22 Q. Can you recall any specific meeting where there</p> <p>23 was a lawyer for the NAACP present?</p> <p>24 A. It's -- I can't recall, but I'm not 100 percent</p> <p>25 certain on it.</p>	<p style="text-align: center;">48</p> <p>1 MR. FREDERICK: Okay. I appreciate</p> <p>2 that. So does that mean that you would not object to</p> <p>3 questions about any meetings that took place before the</p> <p>4 enactment of SB 14?</p> <p>5 MR. VANDEWALKER: That's correct. Not</p> <p>6 solely on the basis of common interest privilege, yeah.</p> <p>7 MR. FREDERICK: Okay. But it sounds like</p> <p>8 maybe you would still have an objection. Would that be</p> <p>9 based on the attorney-client privilege?</p> <p>10 MR. VANDEWALKER: No. I just didn't want</p> <p>11 to foreclose. I have no idea what questions you're</p> <p>12 going to ask. I'm not trying to sound mysterious or</p> <p>13 threatening or anything. That specific objection that</p> <p>14 we have been dealing with would not be at present.</p> <p>15 MR. FREDERICK: Okay. Well, thanks. I</p> <p>16 appreciate the clarification.</p> <p>17 Q. (BY MR. FREDERICK) Mr. Banks, let me circle</p> <p>18 back on a couple of things. You mentioned a while ago</p> <p>19 that there were some talking points that were prepared</p> <p>20 for -- for members about SB 14. Do you recall who</p> <p>21 prepared those talking points?</p> <p>22 A. It was me.</p> <p>23 Q. Oh, okay. Did anybody help you work on those</p> <p>24 or help write them?</p> <p>25 A. President Bledsoe, so Gary did, using --</p>



<p style="text-align: center;">49</p> <p>1 quoting things on this -- I'm sorry. Gary Bledsoe,</p> <p>2 using his testimony he submitted to the Legislature, and</p> <p>3 I think other notes I probably jotted down, but mostly</p> <p>4 between me and Gary.</p> <p>5 Q. Do you remember generally what the talking</p> <p>6 points were?</p> <p>7 A. From what I remember, and I didn't look over in</p> <p>8 great detail before coming here, I know I pulled out</p> <p>9 what was laid out in the bill as far as IDs are</p> <p>10 necessary -- or the IDs they're saying you can use. And</p> <p>11 I think it may have been from parts of Gary's speeches</p> <p>12 of how it compares in -- to other states, if I remember</p> <p>13 correctly. But that's all I can remember for right now.</p> <p>14 Q. I think you also said that you had sent maybe</p> <p>15 some e-mails to members. Did you or anybody else at the</p> <p>16 Texas NAACP send out kind of a form e-mail that members</p> <p>17 could then send to legislators?</p> <p>18 A. Not that I can recall. I don't know.</p> <p>19 Q. Do you recall whether there were any kind of</p> <p>20 materials that the Texas NAACP gave members for the</p> <p>21 purpose of then sending on to legislators?</p> <p>22 A. Could you ask the question again?</p> <p>23 Q. Sure. Sure. And I'll try and tell you where</p> <p>24 I'm -- what I'm trying to get at.</p> <p>25 A. Sure.</p>	<p style="text-align: center;">51</p> <p>1 clarification requested is if I could specify what</p> <p>2 period of time I'm talking about.</p> <p>3 A. Okay.</p> <p>4 Q. I'm happy to do that.</p> <p>5 In the meetings that we were just</p> <p>6 discussing a while ago, which I think were -- what I'm</p> <p>7 asking is during the legislative session.</p> <p>8 A. Okay.</p> <p>9 Q. What topics were discussed in meetings between</p> <p>10 the Texas NAACP and MALDEF?</p> <p>11 A. Okay. And I can't remember all of them,</p> <p>12 because it's been a while, but I think it was -- they</p> <p>13 were kind of just general concerns of -- of the bill;</p> <p>14 you know, what could be done to make it -- the bill a</p> <p>15 better bill, if you will; you know, what provisions are</p> <p>16 being used to -- that you need to have -- have to</p> <p>17 vote. But it was just kind of, you know, general</p> <p>18 discussions of what we're seeing, what the -- how the</p> <p>19 bill is shaped and what it's looking like.</p> <p>20 Q. To the extent you can recall, were there</p> <p>21 specific concerns raised in those meetings with MALDEF</p> <p>22 about SB 14?</p> <p>23 MR. VANDEWALKER: I'm going to object</p> <p>24 again as vague. Could you clarify the time period that</p> <p>25 we're talking about?</p>
<p style="text-align: center;">50</p> <p>1 Q. I know that oftentimes, groups will kind of</p> <p>2 prepare, you know, materials for members to send to</p> <p>3 legislators just so everybody doesn't have to, you know,</p> <p>4 come up with their own e-mail or letter or whatever.</p> <p>5 Do you know whether the Texas NAACP</p> <p>6 provided anything like that to members?</p> <p>7 A. I can't recall if we did. I can't recall.</p> <p>8 Q. Okay. Let me move -- I'm going to backtrack a</p> <p>9 bit, but hopefully move pretty quickly through this.</p> <p>10 We were talking a little earlier about the</p> <p>11 work that Texas NAACP did with various other groups</p> <p>12 about SB 14.</p> <p>13 A. Yes.</p> <p>14 Q. And in light of our discussion with your</p> <p>15 counsel, I want to go back through and kind of see if we</p> <p>16 can explore some -- some additional areas.</p> <p>17 A. Sure.</p> <p>18 Q. And I'll try and move quickly.</p> <p>19 Okay. So with MALDEF --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- what specific topics were discussed in Texas</p> <p>22 NAACP's meetings with MALDEF?</p> <p>23 MR. VANDEWALKER: Objection. If I could</p> <p>24 get the period of time that you're talking about.</p> <p>25 Q. (BY MR. FREDERICK) So I believe the</p>	<p style="text-align: center;">52</p> <p>1 MR. FREDERICK: Of course.</p> <p>2 Q. (BY MR. FREDERICK) So consistent with, I think,</p> <p>3 kind of where we located these meetings earlier, all of</p> <p>4 these questions I'll be asking, I'm asking about during</p> <p>5 the legislative session in 2011.</p> <p>6 A. Okay.</p> <p>7 MR. VANDEWALKER: I appreciate that, and</p> <p>8 I'm sorry to be a little bit of a stickler, but I would</p> <p>9 just really like to make sure the record reflects the</p> <p>10 time period that -- all of the meetings you're asking</p> <p>11 about.</p> <p>12 MR. FREDERICK: I'm sorry. Can -- you</p> <p>13 were cutting out a little bit. Would you mind repeating</p> <p>14 that, please?</p> <p>15 MR. VANDEWALKER: I'm sorry. Sure.</p> <p>16 I'm sorry to be a little bit of a</p> <p>17 stickler, but I just want to make sure that the record</p> <p>18 reflects the scope of all of these questions and the</p> <p>19 time period of the meeting you're asking about. So if</p> <p>20 you could clarify each time you're talking about during</p> <p>21 the legislative session, we can keep things moving</p> <p>22 smoothly hopefully.</p> <p>23 MR. FREDERICK: Okay. Just so I'm clear</p> <p>24 on what you're asking, I think I am, but you have asked</p> <p>25 just if I could clarify for each question what time</p>





<p style="text-align: center;">53</p> <p>1 period I'm talking about?</p> <p>2 MR. VANDEWALKER: Yes, sir. Thank you.</p> <p>3 MR. FREDERICK: Okay. No problem.</p> <p>4 Q. (BY MR. FREDERICK) Okay. So going back to</p> <p>5 MALDEF -- I'm trying to remember my last question.</p> <p>6 A. Sure.</p> <p>7 Q. During meetings with MALDEF during the 2011</p> <p>8 legislative session, what specific concerns were</p> <p>9 expressed about SB 14?</p> <p>10 A. Okay. You know, once again, I can't remember</p> <p>11 them all, because it's been a while and quite a few</p> <p>12 meetings. I know there was concerns about forms of ID</p> <p>13 that could be used, if the legislators are being</p> <p>14 receptive to what we're suggesting could be done to make</p> <p>15 the bill better, I guess, if you will. And, I mean, I</p> <p>16 know there -- there was more, but that's just all I'm</p> <p>17 recalling at -- at this moment.</p> <p>18 Q. Do you remember -- I'm sticking here to</p> <p>19 meetings with MALDEF during the session.</p> <p>20 A. Okay.</p> <p>21 Q. Do you remember -- when you say "make the bill</p> <p>22 better," do you remember any specific thing that was</p> <p>23 suggested that would make the bill better?</p> <p>24 A. At this moment, I can't recall.</p> <p>25 Q. Were there any particular studies discussed in</p>	<p style="text-align: center;">55</p> <p>1 you present at any meetings with MALDEF about SB 14 that</p> <p>2 did not occur during the 2011 legislative session?</p> <p>3 A. I am not sure. With the times that we met, I</p> <p>4 can't recall. I guess if there were any -- I don't</p> <p>5 know.</p> <p>6 Q. Okay. So meetings -- let's move to meetings</p> <p>7 with the Texas League of Young Voters.</p> <p>8 A. Okay.</p> <p>9 Q. In the meetings that the Texas NAACP had with</p> <p>10 the Texas League of Young Voters during the 2011</p> <p>11 legislative session, what concerns were expressed during</p> <p>12 those meetings about SB 14?</p> <p>13 A. From what I can recall, and I can't remember</p> <p>14 all of the meetings, but I think with them also it was</p> <p>15 forms of ID that can be used, and, you know, and then</p> <p>16 also, I think the consensus was, you know, if the</p> <p>17 legislators are open and receptive to what can be done</p> <p>18 to make the bill a better bill and more receptive to</p> <p>19 everybody, I guess.</p> <p>20 Q. Were there specific forms of identification</p> <p>21 that came up during meetings in the session with Texas</p> <p>22 League of Young Voters?</p> <p>23 MR. VANDEWALKER: And if I could just</p> <p>24 clarify, we're talking about still during the</p> <p>25 legislative session, correct?</p>
<p style="text-align: center;">54</p> <p>1 the meetings with MALDEF during the session related to</p> <p>2 SB 14?</p> <p>3 A. None that I can recall. There may have been,</p> <p>4 but I can't remember conversations, if it was brought up</p> <p>5 or not.</p> <p>6 Q. Okay. Do you know whether or not MALDEF</p> <p>7 conducted any studies connected to SB 14?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Okay. Do you know if MALDEF conducted any</p> <p>10 studies about voter ID generally at any time from, let's</p> <p>11 say, 2007 to the present?</p> <p>12 A. Not that I recall, that I'm aware of.</p> <p>13 Q. Okay. So at the meetings with MALDEF, you</p> <p>14 mentioned some of the concerns were forms of ID in SB 14</p> <p>15 and the receptiveness of legislators to making the bill</p> <p>16 better. Can you recall any other concerns or topics</p> <p>17 that came up in those meetings?</p> <p>18 MR. VANDEWALKER: And just to clarify,</p> <p>19 you're talking about meetings during the legislative</p> <p>20 session; is that right?</p> <p>21 MR. FREDERICK: Correct.</p> <p>22 A. Okay. At this moment, I can't recall. It's</p> <p>23 been a while. But, yeah, I can't recall at this -- at</p> <p>24 that moment.</p> <p>25 Q. (BY MR. FREDERICK) Okay. And were you -- were</p>	<p style="text-align: center;">56</p> <p>1 MR. FREDERICK: Yes.</p> <p>2 MR. VANDEWALKER: All right.</p> <p>3 A. I can't remember all forms, because there's</p> <p>4 lots of conversations and discussions and things tossed</p> <p>5 around. But I think college ID was -- was one of them</p> <p>6 amongst many of the discussions we've had. But I think</p> <p>7 that was a concern.</p> <p>8 Q. (BY MR. FREDERICK) Can you -- other than</p> <p>9 college IDs, can you remember any other specific forms</p> <p>10 of ID that were just discussed in those meetings with</p> <p>11 Texas League of Young Voters?</p> <p>12 A. At this the moment, I -- I can't.</p> <p>13 Q. And was the concern about college ID, to the</p> <p>14 extent you can recall, was it that students might have a</p> <p>15 college ID, but not have another qualifying form of ID</p> <p>16 under SB 14?</p> <p>17 A. I can't recall the exact specific conversation,</p> <p>18 so I'm not comfortable with -- with saying that.</p> <p>19 Q. Okay. So in the Texas NAACP meetings with the</p> <p>20 League of Young Voters during the 2011 session, other</p> <p>21 than potential disenfranchisement of young voters,</p> <p>22 college ID, and receptiveness of legislators to</p> <p>23 improvements to the bill, can you remember any other</p> <p>24 topics that were discussed?</p> <p>25 A. At this moment, I can't recall from -- from all</p>



<p style="text-align: center;">57</p> <p>1 the meetings.</p> <p>2 Q. Okay. So moving back to the League of Women</p> <p>3 Voters, during Texas NAACP's meetings with the League of</p> <p>4 Women Voters during the 2011 legislative session, what</p> <p>5 specific concerns about SB 14 were raised in those</p> <p>6 meetings?</p> <p>7 A. I think, once again, you know, from what I can</p> <p>8 recall, there was concerns about what's being used for</p> <p>9 forms of ID and the receptiveness of -- of --</p> <p>10 receptiveness of legislators to changes to make the bill</p> <p>11 better, more open, is what I can recall for right now.</p> <p>12 Q. Okay. So other than those two at the moment,</p> <p>13 no more that you can recall specifically?</p> <p>14 A. At this moment, no.</p> <p>15 Q. Were there any meetings between League of Women</p> <p>16 Voters and Texas NAACP about SB 14 that occurred outside</p> <p>17 of the legislative session that you can recall?</p> <p>18 A. Not that I can recall. I don't remember.</p> <p>19 Q. During the Texas NAACP's meetings with the ACLU</p> <p>20 during the 2011 legislative session, what concerns were</p> <p>21 raised in those meetings about SB 14?</p> <p>22 A. From what I can recall from some of the</p> <p>23 meetings, and I can't remember them all, but I remember</p> <p>24 it was forms of ID that they are saying, and, you know,</p> <p>25 how -- if the legislators are open or willing to accept</p>	<p style="text-align: center;">59</p> <p>1 NAACP and ACLU about SB 14 that occurred outside of the</p> <p>2 2011 legislative session?</p> <p>3 A. I don't recall of any at the moment. I'm not</p> <p>4 sure.</p> <p>5 Q. In the meetings between Texas NAACP and</p> <p>6 Disability Rights Texas during the 2011 legislative</p> <p>7 session, what specific concerns or topics were discussed</p> <p>8 in those meetings?</p> <p>9 A. It was -- there was concern about the forms of</p> <p>10 -- of ID that could be used and as well as, you know,</p> <p>11 legislators are receptive and open to changes to the</p> <p>12 bill that could make it better and more receptive to</p> <p>13 everybody, for what I can recall at this time. And yes,</p> <p>14 that's really all I can recall at this moment.</p> <p>15 Q. And during those meetings with the Disability</p> <p>16 Rights Texas during this session, do you remember any</p> <p>17 specific amendments or ideas for amendments that were</p> <p>18 discussed?</p> <p>19 A. No, I can't recall. I don't remember at -- at</p> <p>20 this moment, but -- no.</p> <p>21 Q. So we've been talking about a lot of groups:</p> <p>22 MALDEF, League of Young Voters, League of Women Voters,</p> <p>23 ACLU, Disability Rights Texas. Can you -- can you</p> <p>24 recall any specific amendments or ideas for amendments</p> <p>25 that were discussed with any of those groups during the</p>
<p style="text-align: center;">58</p> <p>1 our amendments to make the bill better, or if they were</p> <p>2 or not -- it's -- to -- to make the bill better, from</p> <p>3 what I can remember.</p> <p>4 Q. Other than those two issues, can you recall any</p> <p>5 specific concerns or topics that were discussed?</p> <p>6 A. Not at the present moment, no.</p> <p>7 Q. You mentioned amendments. Were -- I wonder if</p> <p>8 you can recall any specific amendments or ideas for</p> <p>9 amendments that -- that were discussed during the</p> <p>10 meetings with the ACLU?</p> <p>11 MR. VANDEWALKER: And just to clarify,</p> <p>12 we're talking about, again, the meetings during the</p> <p>13 session?</p> <p>14 MR. FREDERICK: Right. Yes. Since</p> <p>15 they're amendments, yeah.</p> <p>16 A. Would you re-ask the question again?</p> <p>17 Q. (BY MR. FREDERICK) Of course. Of course.</p> <p>18 During meetings with ACLU during the</p> <p>19 session, do you recall specific amendments or ideas for</p> <p>20 amendments to SB 14 that were discussed?</p> <p>21 A. At this present moment, I can't say I recall</p> <p>22 any one that they -- or either one of us may have said</p> <p>23 or thrown out there that -- so I can't recall at -- at</p> <p>24 this moment.</p> <p>25 Q. Okay. Do you recall any meetings between Texas</p>	<p style="text-align: center;">60</p> <p>1 2011 legislative session?</p> <p>2 A. I -- I can't recall any right now.</p> <p>3 Q. Did the Texas NAACP meet with any legislators</p> <p>4 about SB 14?</p> <p>5 A. Is there a specific time we're -- we're talking</p> <p>6 or --</p> <p>7 Q. Not right now. Just at any time, about SB 14,</p> <p>8 though.</p> <p>9 A. SB 14. Yes.</p> <p>10 Q. And which legislators did Texas NAACP meet</p> <p>11 with?</p> <p>12 A. Let's say, from what I can recall at the</p> <p>13 moment, Representative Anchia, or at least his office,</p> <p>14 anyway. I would say Senator Ellis, and I believe</p> <p>15 Senator West also. And I think that may be it.</p> <p>16 Q. Did the Texas NAACP provide any information or</p> <p>17 materials to -- to those legislators?</p> <p>18 A. That I can't recall. I'm not sure.</p> <p>19 Q. Did you attend -- well, let me ask first: Were</p> <p>20 there in-person meetings between Texas NAACP and</p> <p>21 Representative Anchia or his staff?</p> <p>22 A. Staff. I -- I think so, but I'm not 100</p> <p>23 percent sure. But I think so.</p> <p>24 Q. Okay. Do you know if there were -- if there</p> <p>25 were telephone meetings with Representative Anchia or</p>



<p style="text-align: center;">61</p> <p>1 his staff?</p> <p>2 A. I think it may have been just more in person,</p> <p>3 if -- if anything.</p> <p>4 Q. Do you recall who attended meetings with</p> <p>5 Representative Anchia and his staff?</p> <p>6 A. And what time period are we talking?</p> <p>7 Q. Let's say -- well, that's -- I can clarify.</p> <p>8 A. Sure.</p> <p>9 Q. Are you aware of any meetings that Texas NAACP</p> <p>10 had with Representative Anchia or his staff during the</p> <p>11 2011 legislative session?</p> <p>12 A. Okay. I believe so, yes.</p> <p>13 Q. Are you aware of any meetings Texas NAACP had</p> <p>14 with Representative Anchia or his staff outside of the</p> <p>15 2011 legislative session?</p> <p>16 A. I -- I can't recall on that. Yeah, I can't</p> <p>17 recall.</p> <p>18 Q. So for meetings with Representative Anchia or</p> <p>19 his staff during the 2011 legislative session, do you</p> <p>20 recall who was present at those meetings?</p> <p>21 A. Yes. Liz. And I can't remember that -- she --</p> <p>22 she's his chief of staff. I -- I can't remember her</p> <p>23 last name at the -- at the moment. She was there. I</p> <p>24 can't recall if the Representative was there or not. I</p> <p>25 think he may have been at one, but I'm not 100 percent</p>	<p style="text-align: center;">63</p> <p>1 session?</p> <p>2 A. I -- I really can't recall the conversations</p> <p>3 that there was. I'm not sure.</p> <p>4 Q. Do you recall any specific changes or</p> <p>5 amendments that were discussed with Representative</p> <p>6 Anchia or his staff during legislative session?</p> <p>7 A. None that I recall.</p> <p>8 Q. Did Texas NAACP provide any amendments or draft</p> <p>9 amendments to any legislator during the 2011 session?</p> <p>10 A. None that I recall.</p> <p>11 Q. Do you recall how many meetings Texas NAACP had</p> <p>12 with Senator Ellis during the 2011 legislative session?</p> <p>13 A. In reference to?</p> <p>14 Q. In reference to SB 14.</p> <p>15 A. Okay. I couldn't give you a number. I'm not</p> <p>16 sure of the number.</p> <p>17 Q. Do you think it was less than 20?</p> <p>18 A. I feel safe saying less than 20, yes.</p> <p>19 Q. Can you say whether it was less than 10?</p> <p>20 A. That, I'm not too comfortable with, so I'm not</p> <p>21 sure, but...</p> <p>22 Q. Were all of the meetings with Senator Ellis,</p> <p>23 during the 2011 session, were they all in-person</p> <p>24 meetings?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">62</p> <p>1 sure. And I believe that's it. I can't recall if</p> <p>2 everybody was there, but I believe that's it.</p> <p>3 Q. Do you recall who attended for the Texas NAACP?</p> <p>4 A. This is still during the --</p> <p>5 Q. During the session.</p> <p>6 A. Okay. It was myself.</p> <p>7 Q. Did you personally attend any meetings with</p> <p>8 Representative Anchia or his staff that -- that took</p> <p>9 place outside of the 2011 legislative session?</p> <p>10 A. I can't recall if the meetings did happen, so</p> <p>11 I'm -- I'm not sure.</p> <p>12 Q. So are you -- do you recall that any meetings</p> <p>13 took place with Representative Anchia or his staff</p> <p>14 outside of the 2011 legislative session?</p> <p>15 A. That I'm not sure about.</p> <p>16 Q. Okay. What was discussed at the meetings with</p> <p>17 Representative Anchia's, himself or his staff, during</p> <p>18 the legislative session?</p> <p>19 A. I think it was -- it was -- it was concerns of</p> <p>20 the bill -- or about the bill and any changes that could</p> <p>21 be done to -- if there are any changes or if they might</p> <p>22 be receptive to changes being made to try to make the</p> <p>23 bill a better bill.</p> <p>24 Q. What specific concerns were expressed about the</p> <p>25 bill in meetings with Representative Anchia during the</p>	<p style="text-align: center;">64</p> <p>1 Q. Who attended those meetings?</p> <p>2 A. I was there, as well as President Bledsoe.</p> <p>3 Q. Was Senator Ellis there?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall if he was there for all meetings</p> <p>6 or just some?</p> <p>7 A. Well, that I don't recall.</p> <p>8 Q. And what was discussed in those meetings with</p> <p>9 Senator Ellis about SB 14?</p> <p>10 A. I think it laid out -- I know we discussed the</p> <p>11 concerns about the bill, and -- because I know it was</p> <p>12 about the bill that -- that we had -- excuse me -- as</p> <p>13 well as, I guess, talk about the -- the hearing that's</p> <p>14 going to happen on the Senate floor, and I guess if they</p> <p>15 would be receptive to any changes or if there's a -- be</p> <p>16 receptive to changes to try to make the bill better.</p> <p>17 That's really all I can remember.</p> <p>18 Q. Do you recall specific concerns about SB 14</p> <p>19 that were discussed in meetings with Senator Ellis?</p> <p>20 A. Off the top of my head, I don't -- I don't</p> <p>21 think I can right now at this moment, none that I</p> <p>22 remember specifically right now.</p> <p>23 Q. Do you recall specific changes or potential</p> <p>24 changes to the bill that were discussed in meetings with</p> <p>25 Senator Ellis during the session?</p>



<p style="text-align: center;">65</p> <p>1 A. None that I can recall right now.</p> <p>2 Q. Did Texas NAACP provide Senator Ellis with any</p> <p>3 materials concerning SB 14 or voter ID legislation?</p> <p>4 A. When?</p> <p>5 Q. During the 2011 session.</p> <p>6 A. Maybe Gary's testimony, but that would have</p> <p>7 been at the hearing. I think Gary submitted written</p> <p>8 testimony, so I think everybody had a copy of that.</p> <p>9 Q. Okay.</p> <p>10 A. But besides that, I can't recall.</p> <p>11 Q. Did Texas NAACP provide Senator Ellis with</p> <p>12 materials about voter ID legislation at any -- at any</p> <p>13 time that you can recall?</p> <p>14 A. I can't recall at this moment.</p> <p>15 Q. You mentioned the Senate hearing. Do you</p> <p>16 recall specifically what was discussed with respect to</p> <p>17 the Senate hearings on SB 14?</p> <p>18 A. I -- I can't. It was a long day.</p> <p>19 Q. Did Texas NAACP have any meetings with Senator</p> <p>20 Ellis about Senate Bill 362?</p> <p>21 A. Which one is this? I'm sorry.</p> <p>22 Q. So this would be the voter ID bill that was, I</p> <p>23 guess, the main voter -- the voter ID bill during the</p> <p>24 2009 legislative session.</p> <p>25 A. Okay.</p>	<p style="text-align: center;">67</p> <p>1 provided to Senator Ellis during the 2009 session?</p> <p>2 A. On?</p> <p>3 Q. On voter ID.</p> <p>4 A. Not that I can recall at this moment.</p> <p>5 Q. And you said that the Texas NAACP met with</p> <p>6 Senator West during the 2011 session about SB 14; is</p> <p>7 that right?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. Do you recall, roughly, how many meetings you</p> <p>10 had -- well, I say you, Texas NAACP had with Senator</p> <p>11 West?</p> <p>12 A. I don't think it was many, but I don't remember</p> <p>13 the number.</p> <p>14 Q. Do you think it was less than 20?</p> <p>15 A. Yes, I can safely say that.</p> <p>16 Q. Do you think it was less than 10?</p> <p>17 A. Actually, I do believe that it was less than --</p> <p>18 than 10.</p> <p>19 Q. Do you remember who attended meetings with</p> <p>20 Senator West about SB 14 during the 2011 session?</p> <p>21 A. No, I can't say that I remember who it was.</p> <p>22 Q. Did you attend any meetings with Senator West</p> <p>23 in --</p> <p>24 A. It would have been, yes, me. Sorry.</p> <p>25 Q. Did Senator West himself attend any of the</p>
<p style="text-align: center;">66</p> <p>1 Q. Did Texas NAACP have any meetings with Senator</p> <p>2 Ellis during the 2009 session about SB 362?</p> <p>3 A. It's a little hazy. Yeah. 2009 was -- was a</p> <p>4 blur when it came to the legislative session. But did</p> <p>5 you say any -- can you ask the question again?</p> <p>6 Q. Of course. Did Texas NAACP have any meetings</p> <p>7 with Senator Ellis during the 2009 session about Senate</p> <p>8 Bill 362?</p> <p>9 A. Okay. Yes. I believe we did.</p> <p>10 Q. Okay. Do you recall, roughly, how many</p> <p>11 meetings you had?</p> <p>12 A. That I have -- I couldn't say at -- at all.</p> <p>13 Q. Do you recall what was discussed during</p> <p>14 meetings with Senator Ellis during the 2009 session?</p> <p>15 A. I can't say that I do recall.</p> <p>16 Q. Do you recall whether Texas NAACP provided any</p> <p>17 materials to Senator -- to Senator Ellis during the 2009</p> <p>18 session regarding voter ID?</p> <p>19 A. I believe we did. As far as Gary's testimony,</p> <p>20 I do know Gary -- I remember Gary testifying at the</p> <p>21 Senate hearing. And so I know they --- all senators</p> <p>22 would have had a copy of Gary's testimony that I do</p> <p>23 believe it was submitted. Not 100 percent, but I'm</p> <p>24 pretty sure he -- he did submit it.</p> <p>25 Q. Do you recall any other materials that --</p>	<p style="text-align: center;">68</p> <p>1 meetings about SB 14?</p> <p>2 A. I don't believe so.</p> <p>3 Q. So as far as you recall, meetings were between</p> <p>4 yourself and Senator West's staff?</p> <p>5 A. Correct. I believe so, yes.</p> <p>6 Q. What was discussed in Texas NAACP's meetings</p> <p>7 with Senator West or his staff about SB 14 during the</p> <p>8 2011 session?</p> <p>9 A. I think with Senator West's staff, it was -- I</p> <p>10 believe, what I can recall, a little fuzzy, but I think</p> <p>11 it was more or less about how the Senate hearing was</p> <p>12 going to go for the -- for the bill that day, and a</p> <p>13 place where I could sit down, and I knew it would be a</p> <p>14 while, so I was seeing if -- where I could sit and watch</p> <p>15 because the gallery has no leg room if you're over five</p> <p>16 foot five, so....</p> <p>17 Q. Did you -- did you provide testimony in the</p> <p>18 Senate in the 2011 session?</p> <p>19 A. I don't believe I did.</p> <p>20 Q. So other than -- other than arrangements for</p> <p>21 where you could sit during the Senate hearing on SB 14,</p> <p>22 do you recall anything else that was discussed during</p> <p>23 meetings with Senator West or his staff?</p> <p>24 A. Nothing I can recall right now.</p> <p>25 Q. Did Texas NAACP provide Senator West with any</p>



<p style="text-align: center;">69</p> <p>1 materials related to SB 14?</p> <p>2 A. I think just Gary's written testimony. I</p> <p>3 believe he got a copy of, as well as everybody, from</p> <p>4 Gary's testimony.</p> <p>5 Q. Did Texas NAACP express any concerns about</p> <p>6 SB 14 to Senator West or his staff?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Did Texas NAACP have any meetings with Senator</p> <p>9 West or his staff in the 2009 session about SB 362?</p> <p>10 A. I'm not 100 percent positive. I'm not sure. I</p> <p>11 can't recall at the moment if we did.</p> <p>12 Q. Do you recall if Texas NAACP provided any</p> <p>13 materials to Senator West during the 2009 session about</p> <p>14 SB 362?</p> <p>15 A. I believe he did get a copy of Gary's written</p> <p>16 testimony or a statement that he had with him, so I</p> <p>17 think he got a copy, like everybody else, of what Gary</p> <p>18 was saying or said, I should say.</p> <p>19 Q. Any other materials provided besides the</p> <p>20 testimony?</p> <p>21 A. Nothing I can recall at this moment.</p> <p>22 Q. Did -- did you provide any testimony on Senate</p> <p>23 Bill 362 during the 2009 legislative session?</p> <p>24 A. Maybe on the House. I can't remember. I</p> <p>25 remember 2009, that those hearings were very, very long</p>	<p style="text-align: center;">71</p> <p>1 or the other.</p> <p>2 Q. Does Texas NAACP contend that Senate Bill 14</p> <p>3 was enacted by the Legislature for the purpose of</p> <p>4 preventing anyone from voting?</p> <p>5 A. Could you restate the question?</p> <p>6 Q. Of course.</p> <p>7 Does Texas NAACP contend that SB 14 was</p> <p>8 enacted for the purpose of preventing members of any</p> <p>9 group from voting or harming their voting rights?</p> <p>10 A. I feel like it's still just a legal question.</p> <p>11 I know we submitted some answers, so I probably would</p> <p>12 just stick with what's been submitted that the lawyers</p> <p>13 have -- have said.</p> <p>14 Q. Okay. You know, it's kind of a habit to use</p> <p>15 legal terms, so let me try a couple of more times, just</p> <p>16 to maybe make it clearer.</p> <p>17 A. Sure.</p> <p>18 Q. Does Texas NAACP contend that SB 14 was enacted</p> <p>19 with a discriminatory purpose?</p> <p>20 A. I still stick with the legal answers that were</p> <p>21 submitted in the document, and I'll let that speak for</p> <p>22 -- for what we think.</p> <p>23 (Mr. Patrick Sweeten joins the</p> <p>24 proceedings.)</p> <p>25 MR. BLEDSOE: We just had somebody else</p>
<p style="text-align: center;">70</p> <p>1 and hectic. But I can't recall. But maybe on the House</p> <p>2 side.</p> <p>3 Q. Was there anyone else that provided testimony</p> <p>4 in 2009 on SB 362 for the Texas NAACP?</p> <p>5 A. Possibly. I'm not quite sure. I know we had</p> <p>6 members did, but it could be for themselves or what have</p> <p>7 you. But I think when it comes to Texas NAACP, it may</p> <p>8 have just been Gary and myself.</p> <p>9 Q. Does the Texas NAACP claim that Senate Bill 14</p> <p>10 will have the effect of denying or abridging the right</p> <p>11 to vote on account of race, color, or membership in a</p> <p>12 language minority group?</p> <p>13 A. I'm not an attorney, so I don't know if I can</p> <p>14 really answer the question.</p> <p>15 Q. Fair enough. I'm happy to rephrase it.</p> <p>16 Does Texas NAACP contend that Senate Bill</p> <p>17 14 will disenfranchise or prevent from voting members of</p> <p>18 racial or language minorities?</p> <p>19 A. I feel like you're still asking for legal</p> <p>20 knowledge that I just can't give.</p> <p>21 Q. Does -- does Texas NAACP contend that SB 14</p> <p>22 will harm or adversely affect voting rights of African</p> <p>23 Americans in Texas?</p> <p>24 A. I still feel like it's a legal kind of</p> <p>25 question, so I wouldn't be comfortable answering one way</p>	<p style="text-align: center;">72</p> <p>1 come. You want to identify for the record? You had</p> <p>2 everyone identify themselves for the record, so you just</p> <p>3 had an addition.</p> <p>4 MR. FREDERICK: Oh, sure, sure.</p> <p>5 MR. SWEETEN: I'm Patrick Sweeten with the</p> <p>6 Texas Attorney General's Office.</p> <p>7 Q. (BY MR. FREDERICK) I want to shift gears a</p> <p>8 bit --</p> <p>9 A. Sure.</p> <p>10 Q. -- and talk about kind of general work that the</p> <p>11 Texas NAACP does.</p> <p>12 A. Okay.</p> <p>13 Q. Does Texas NAACP do any -- outside of what</p> <p>14 we've been talking about with respect to specific</p> <p>15 bills --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- does it do any kind of policy work about</p> <p>18 voter ID?</p> <p>19 A. I ask, could you be clear? I ask what you just</p> <p>20 mean by "policy work."</p> <p>21 Q. Of course.</p> <p>22 A. For a second.</p> <p>23 Q. I think I can probably ask it a better way.</p> <p>24 A. Okay.</p> <p>25 Q. Does the Texas NAACP -- has the Texas NAACP</p>





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1 prepared any papers on voter ID legislation?

2 A. And what do you mean papers? I guess, exactly  
3 what kind of papers are we talking?

4 Q. Any -- any studies.

5 A. Okay. Not that I'm aware of studies, no.

6 Q. Okay. What about op-ed pieces about voter ID  
7 legislation?

8 A. None that I can recall at this moment. I'm --  
9 I'm not recalling any.

10 MR. VANDEWALKER: Mr. Frederick, if I  
11 could, we've been going about another hour. Could I ask  
12 for another break at this time?

13 MR. FREDERICK: Sure. That's fine. Take  
14 five, ten minutes.

15 MR. VANDEWALKER: Thank you.

16 (Recess at 11:22 a.m. to 11:35 a.m.)

17 (Exhibit 2 marked for identification.)

18 Q. (BY MR. FREDERICK) Mr. Banks, I've given you  
19 what's been marked as Deposition Exhibit 2. And I will  
20 represent to you this is the Texas State Conference of  
21 NAACP Branches' Responses and Objections to the State of  
22 Texas' First Set of Interrogatories. Is that what  
23 you've got?

24 A. Yes, sir.

25 Q. Okay. Have you seen this document before?

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1 A. I have, yes.

2 Q. Okay. Did you -- did you provide any of the  
3 answers or help provide any of the answers in this  
4 document?

5 A. I believe so, yes.

6 Q. I'd like to direct your attention to Page 8.

7 A. Okay.

8 Q. And the question I'm paraphrasing is, "If you  
9 contend that preventing voter fraud is not the purpose  
10 of SB 14, identify the facts and information to support  
11 that contention." And down at the bottom of the page,  
12 excuse me, in the last paragraph, it says, "Defendant-  
13 Intervenor states that it contends that preventing voter  
14 fraud is not the purpose of Senate Bill 14 on the basis  
15 of the general knowledge of the national wave of support  
16 for organizations that support the disenfranchisement of  
17 minority voters through, among other measures, the  
18 implementation of voter identification legislation." Is  
19 that -- is that consistent with your copy?

20 A. Yes.

21 Q. Okay. Can you explain to me what -- what that  
22 means?

23 A. Sure. Give me one second.

24 Q. Sure take your time.

25 A. And digest it a little bit. Okay, well, I'm

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1 reading the sentence and it contends that preventing  
2 voter fraud is not the purpose of Senate Bill 14 on the  
3 basis of the general knowledge of national wave of  
4 support for organizations that support the  
5 disenfranchisement of minority voters -- I'm sorry,  
6 that's -- that's reading and thinking.

7 Well, I think we looked at it and I guess  
8 if you look at what's been happening, notice,  
9 nationally, I guess, there's the concern that more and  
10 more minorities are voting more and more and there seems  
11 to be a concern, I guess, or they're worried about how  
12 they will vote or how they are voting will -- how that  
13 could affect different things. So when you look at the  
14 bill and you see that there hasn't been any, I guess,  
15 you know, saw any examples of voter fraud happening --  
16 examples of voter fraud happening, you know, it's --  
17 it's hard to say that, you know, this bill will stop  
18 something that is -- that isn't happening. There's  
19 been, I guess, a history that's there's been groups who  
20 have not been for minorities to have the ability to vote  
21 and what have you, and that's something that the NAACP  
22 has been fighting for, for -- fighting against, I should  
23 say, for years because, you know, to have the  
24 enfranchisement of minority voters. So when we look at  
25 the bill and we see that, you know, the people who are

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1 being affected are -- mostly who will be affected are  
2 minorities, it can lead us to thinking or to seeing  
3 that.

4 Q. When you say "organizations" or when this says  
5 "organizations that support the disenfranchisement of  
6 minority voters," what organizations are those?

7 A. I don't have a list of them at this moment I  
8 can read out and give to you. In the past, there have  
9 been organizations that have been against African  
10 Americans or minorities voting. I'm losing my thought  
11 or words, you know, there's been a tradition against  
12 minorities voting. I think of the, I guess, the KKK for  
13 one of them, but there have been other white supremacist  
14 groups or what have you that's been against minorities  
15 voting or having voting rights. So, but at the moment,  
16 I just don't have a list of all of them.

17 Q. Okay. Well can you -- can you think of just  
18 any -- I don't expect you to be able to provide a  
19 comprehensive list, but can you name any specific groups  
20 other than the KKK and white supremacist groups who  
21 would be included in this -- in organizations that  
22 support the disenfranchisement of minority voters?

23 A. Sure. Talking to people, you can look at --  
24 and I know there's a concern that the bills have been  
25 pushed by ALEC, and so I think there's a concern there;



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1 since they, from documents that I've seen, they have a  
2 shell, I guess, of what the voter ID bill will -- should  
3 look like. But for the most part, so, I think that's  
4 another, I guess you could say, organization of sorts  
5 that has been really out there pushing this bill.

6 Q. Okay. Any others that you can think of besides  
7 ALEC?

8 A. Off the top of my head right now, no I can't  
9 recall.

10 Q. Was ALEC involved in SB 14 in any way?

11 A. I would say we -- we know there are members of  
12 the Texas Senate and Texas House that are a part of ALEC  
13 from information that I -- that we've seen. And I think  
14 the bill is very similar to what they had drafted as a  
15 shell, so it's, I guess, fair to, guess, deduct, if you  
16 will, that there was definitely some influence from them  
17 in creating the bill.

18 Q. Okay. So was it your contention that the SB 14  
19 is based on a shell provided by ALECS -- I'm sorry, by  
20 ALEC.

21 MR. VANDEWALKER: Objection, calls for  
22 speculation.

23 Q. (BY MR. FREDERICK) You can answer.

24 A. I would, from -- from reading different  
25 materials, I would say I would think it appears that it

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1 to believe that certain senators were members of ALEC  
2 or --

3 A. I -- oh, wait, I'm sorry.

4 Q. No, no, that's it.

5 A. I couldn't recall the name of the document, of  
6 what the document was called, but I had -- I've seen  
7 something like that that had their names of the members  
8 of the Texas legislators who were part of ALEC. And I  
9 can't remember the kind of document it was.

10 Q. Where did you get this document?

11 A. It was -- I believe it was in an e-mail.

12 Q. Do you recall who sent the e-mail?

13 A. Yes. I believe it was from -- Mr. Bledsoe is  
14 who I got it from, I believe.

15 Q. And so the document -- is it -- am I correct in  
16 understanding that the document that you've referred to  
17 that -- was that an attachment to the e-mail?

18 A. That, I don't recall.

19 Q. This document, do you know who prepared the  
20 document?

21 A. That, I can't recall.

22 Q. Do you believe that Mr. Bledsoe prepared the  
23 document?

24 A. I don't believe so. No.

25 Q. Okay. So was this -- you've said you don't

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1 is from ALEC. Yes.

2 Q. What materials have you read that lead you to  
3 believe that SB 14 is based on a bill from ALEC?

4 A. I've looked over what I found online to be, I  
5 guess, the shell bill that ALEC put out. I don't  
6 remember, in detail, what's in the shell; but I've  
7 looked over that and that would -- that leads, and then  
8 you look at how many members from, I guess -- since this  
9 a Senate bill, on the Senate side, who are members and I  
10 think there are co-authors or what have you of the bill,  
11 you would, I guess, suspect that.

12 Q. Okay. So you've looked at the -- looked at the  
13 shell bill that ALEC has, and then you say that certain  
14 Senate members are members of ALEC; is that right?

15 A. From what my understanding, I would say they  
16 are members, yes.

17 Q. What's -- can you tell me what that  
18 understanding is based on?

19 A. Looking how they are -- I guess, if they were  
20 on committees in ALEC, if I remember right from the  
21 document I was reading. So just from that understanding  
22 of -- that they were members of ALEC, and I'm not an  
23 expert on ALEC and their structure and what have you,  
24 but that would be my understanding.

25 Q. Okay. What document did you read that led you

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1 remember if it was an attachment. Was it kind of like a  
2 forwarded article or story?

3 A. I know it was a forward from him, but I don't  
4 recall if it was a document attached or if it was in the  
5 e-mail.

6 Q. Do you remember anything about the source of  
7 the document, either who wrote it or whether it was from  
8 a publication?

9 A. I can't recall from whom it came.

10 Q. Was it a newspaper story?

11 A. Yeah, I can't recall.

12 Q. Do you recall, specifically, what the document  
13 said?

14 A. No, not specifically. As far as everything, I  
15 remember names of legislators that were -- not their  
16 names if you asked me which ones, I couldn't say such  
17 and such, but I remember seeing names. And I don't know  
18 if it had the states beside them or what, but names that  
19 I knew.

20 Q. So there was some kind of list of names or  
21 there were -- there were specific legislators identified  
22 in this document?

23 A. Yes.

24 Q. Did the document identify legislators outside  
25 of Texas?



<p style="text-align: center;">81</p> <p>1 A. I -- I don't recall. I was looking for the</p> <p>2 ones in Texas. I don't remember if it had others or</p> <p>3 what have you.</p> <p>4 Q. So you don't remember, sitting here now,</p> <p>5 whether this document identified, kind of, nationwide</p> <p>6 legislators or just Texas legislators?</p> <p>7 A. Right. At this moment I can't say any outside</p> <p>8 of Texas was, or what have you, on the document.</p> <p>9 Q. Do you remember when you -- when you received</p> <p>10 this document?</p> <p>11 A. It was this year. I don't remember when, but</p> <p>12 it was this year.</p> <p>13 Q. And by this year, do you mean 2012?</p> <p>14 A. 2012, yes.</p> <p>15 Q. Has anyone told you specifically that SB 14 was</p> <p>16 based on a shell bill provided by ALEC?</p> <p>17 A. Can you be more specific when you say</p> <p>18 "anyone"? Are we --</p> <p>19 Q. Has -- has any person told you specifically</p> <p>20 that SB 14 was based on a shell bill provided by ALEC?</p> <p>21 A. Not that I can recall.</p> <p>22 Q. Has anybody told you specifically that Senate</p> <p>23 Bill 362 was based on a shell provided by ALEC?</p> <p>24 A. No, that I can recall.</p> <p>25 Q. Do you have any reason to believe that Senate</p>	<p style="text-align: center;">83</p> <p>1 A. At the moment, I couldn't list any names. I</p> <p>2 wouldn't want to wrongly accuse anybody of being in it</p> <p>3 or not.</p> <p>4 Q. Now do you believe that -- do you believe that</p> <p>5 ALEC supports the disenfranchisement of minority voters?</p> <p>6 A. Looking at the -- the bill, and I think the</p> <p>7 effects that -- the impacts it would have on minority</p> <p>8 voters, I would say yes.</p> <p>9 Q. Is there anything else besides -- and when you</p> <p>10 say the bill, this is the shell voter ID bill that ALEC</p> <p>11 has?</p> <p>12 A. The shell and how it's -- and you put it with</p> <p>13 SB 14. Yes.</p> <p>14 Q. Other than this -- this bill, this bill being</p> <p>15 the shell ALEC bill --</p> <p>16 A. Okay.</p> <p>17 Q. -- is there anything else that leads you to</p> <p>18 believe that ALEC supports the disenfranchisement of</p> <p>19 minority voters?</p> <p>20 A. Not that I actually recall at the moment. I'm</p> <p>21 not an ALEC expert, per se, so I can't say anything at</p> <p>22 this moment that I can recall.</p> <p>23 Q. So what is it about -- can you tell me</p> <p>24 specifically what is it about the ALEC voter ID bill</p> <p>25 that leads you to believe ALEC supports the</p>
<p style="text-align: center;">82</p> <p>1 Bill 362 was based on something prepared by ALEC?</p> <p>2 A. I didn't do any studying of 362 since the</p> <p>3 document had come out, so I can't say.</p> <p>4 Q. So then it's your belief that SB 14 is based on</p> <p>5 a shell prepared by ALEC; is that correct?</p> <p>6 A. I believe that there is -- you can see some</p> <p>7 likeness and similarity from the shell and this bill.</p> <p>8 So I would say, yeah, we think ALEC's bill played a role</p> <p>9 in creating SB 14 or the shape of it.</p> <p>10 Q. And that's based on -- I mean, you've looked at</p> <p>11 this shell that ALEC has and then you've also read, or</p> <p>12 seen, one document that identifies certain Texas</p> <p>13 legislators as ALEC members; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And you received this document by e-mail</p> <p>16 sometime in 2012; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. You can't remember who wrote the document?</p> <p>19 A. That, I cannot recall who created it, no.</p> <p>20 Q. And you don't recall whether it was -- you</p> <p>21 don't recall whether it was a newspaper article or a</p> <p>22 magazine article?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you remember any specific legislators who</p> <p>25 were named in this document as being members of ALEC?</p>	<p style="text-align: center;">84</p> <p>1 disenfranchisement of minority voters?</p> <p>2 A. Well, I can't remember at this moment how it --</p> <p>3 it looked when I compared what I could see,</p> <p>4 specifically, from the shell: This and that and the</p> <p>5 other. But I think if you look at the shell and what</p> <p>6 was produced from it, if you will, it looks like it</p> <p>7 would, you know, affect minority voters from the shape</p> <p>8 of what we got with the SB 14.</p> <p>9 Q. Okay. Let me clarify a little bit. I</p> <p>10 understand what -- what you've said about the connection</p> <p>11 between the ALEC shell and SB 14 and I want to confine</p> <p>12 my question right now just to the ALEC shell.</p> <p>13 A. Okay.</p> <p>14 Q. So can you tell me what it is, just about that</p> <p>15 ALEC shell bill, that leads you to believe that ALEC</p> <p>16 supports the disenfranchisement of minority voters?</p> <p>17 A. I can't recall the shell bill in itself right</p> <p>18 now, so it's still just saying from shell to SB 14 and</p> <p>19 what you have, so I couldn't sit down and say, "Well,</p> <p>20 this is -- this is, and -- from the shell bill," at this</p> <p>21 moment.</p> <p>22 Q. Okay. Well, can you tell -- can you tell me,</p> <p>23 generally, just talking about the ALEC shell bill,</p> <p>24 what's -- in your view, what's wrong with the ALEC's</p> <p>25 shell bill -- the ALEC shell bill?</p>



<p style="text-align: center;">85</p> <p>1 A. Right. I still couldn't do it with just -- I'm</p> <p>2 not that fresh on it. I just know how, just from</p> <p>3 comparing it. I couldn't sit back and say "It was this</p> <p>4 part and that part," but I know just from when I looked</p> <p>5 over and saw it. So I wouldn't be comfortable right now</p> <p>6 saying "This is that part, and this is that part." I</p> <p>7 just can't recall at the moment.</p> <p>8 Q. Well just so I'm clear, I'm asking you only</p> <p>9 with respect to the ALEC shell bill.</p> <p>10 A. Right.</p> <p>11 Q. What is it in that, you know, with that -- you</p> <p>12 know, setting aside SB 14 for the moment, what is it in</p> <p>13 that shell bill that you believe -- that you believe</p> <p>14 would impact minority voters?</p> <p>15 A. And I can't recall it well enough right now to</p> <p>16 sit down and say "This part from the ALEC shell bill."</p> <p>17 I couldn't sit down and recall the parts right now at</p> <p>18 the moment.</p> <p>19 Q. And when this says -- and I'm going back to</p> <p>20 Page 8 --</p> <p>21 A. Okay.</p> <p>22 Q. -- of the exhibit, down at the bottom, where it</p> <p>23 says, "The general knowledge of the national wave of</p> <p>24 support for organizations," do you know what -- what</p> <p>25 "general knowledge" refers to?</p>	<p style="text-align: center;">87</p> <p>1 but, I guess, my understanding would be news or</p> <p>2 different media outlets or general conversations that</p> <p>3 people would have. I think that's historically been</p> <p>4 defined as "general knowledge." Like, if you do a</p> <p>5 school paper and you don't cite it, it's kind defaulted</p> <p>6 to well that's just general knowledge.</p> <p>7 Q. Okay. Are you aware -- can you give me, as we</p> <p>8 sit here, any specific source or reference for the</p> <p>9 statement that there's a national wave of support for</p> <p>10 organizations that support the disenfranchisement of</p> <p>11 minority voters?</p> <p>12 A. Ask the question again, please.</p> <p>13 Q. Sure. Can you identify any specific source of</p> <p>14 information that would show the national wave of support</p> <p>15 for organizations that support the disenfranchisement of</p> <p>16 minority voters?</p> <p>17 A. I cannot recall any at this moment. I know I</p> <p>18 do a lot of reading, but at this exact moment, I don't</p> <p>19 think I can recall a specific source right now.</p> <p>20 Q. So just to cover it: So I asked about specific</p> <p>21 organizations that support disenfranchisement of</p> <p>22 minority voters. You identified the KKK, white</p> <p>23 supremacists groups, generally, ALEC. Are there other</p> <p>24 organizations that -- that are included in this</p> <p>25 reference to organizations that support</p>
<p style="text-align: center;">86</p> <p>1 A. Let's see. Well, I guess the question is not</p> <p>2 registering with me. Is there another way you could, I</p> <p>3 guess, rephrase it? I'm just not --</p> <p>4 Q. Sure. So this paragraph on Page 8, it refers</p> <p>5 to "general knowledge of a national wave of support for</p> <p>6 certain organizations." Do you know what it means where</p> <p>7 it says -- when it says "general knowledge"?</p> <p>8 A. Okay. I guess we're talking about general</p> <p>9 knowledge.</p> <p>10 Q. Maybe I can -- maybe I can ask it a different</p> <p>11 way.</p> <p>12 A. Sure.</p> <p>13 Q. So does "general knowledge," does that mean</p> <p>14 that it's just kind of something that everyone would be</p> <p>15 aware of?</p> <p>16 A. Okay. Yeah.</p> <p>17 Q. Is that fair to say?</p> <p>18 A. I would say, yeah, it would be fair to say</p> <p>19 general knowledge would be something that everybody, the</p> <p>20 majority of people, would know and be aware of, yes.</p> <p>21 Q. And so where, with respect to this, the</p> <p>22 national wave of support for these organization, where</p> <p>23 would people get that general knowledge? Where would</p> <p>24 it -- how would I know about that?</p> <p>25 A. I can't profess to be an expert of the topic,</p>	<p style="text-align: center;">88</p> <p>1 disenfranchisement of minority voters?</p> <p>2 A. At this moment, none that I could</p> <p>3 recall. But...</p> <p>4 Q. Are there any groups -- strike that.</p> <p>5 A. Okay.</p> <p>6 Q. With respect to ALEC, you mentioned the shell</p> <p>7 bill they prepared, this document indicating that</p> <p>8 certain legislators are members of ALEC. Is there</p> <p>9 anything else -- is there anything else that you're</p> <p>10 aware of that shows that ALEC was somehow involved in SB</p> <p>11 14?</p> <p>12 A. Nothing that I can recall at the moment.</p> <p>13 Q. Okay. So you mentioned -- we were talking</p> <p>14 about the ALEC draft legislation SB 14, but let's --</p> <p>15 let's move specifically to SB 14.</p> <p>16 A. Okay.</p> <p>17 Q. You mentioned, when we were talking about the</p> <p>18 other bills, that there would be an impact on minority</p> <p>19 voters.</p> <p>20 A. Yes.</p> <p>21 Q. What impact will SB 14 have on minority voters?</p> <p>22 A. From my understanding and reading of the bill</p> <p>23 interpretation, I -- we believe that the impact would be</p> <p>24 harmful to minority voters, in that, from the standpoint</p> <p>25 of -- and maybe many more reasons, but from what I can</p>



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1 recall right now, though, is that it could decrease the  
2 number of minority voters who are able to participate in  
3 expressing their -- their right to vote. And that's a  
4 very big concern for us if -- excuse me -- if they -- if  
5 they are not able to express their right to vote.

6 Q. Is there any other impact that you or the Texas  
7 NAACP contends SB 14 will have on minority voters?

8 A. From what I recall, I know there's many, but  
9 from what I'm recalling and what I'm remembering right  
10 now, is that we're definitely worrying about it being a  
11 disenfranchisement and it's very well -- and in the  
12 process of even trying to get the required documents to  
13 vote, could be a financial impact on the minority  
14 voters, depending on what they have to do to try to get  
15 documents they even need to have, which is another  
16 concern amongst many that I recall at the moment.

17 Q. So how would SB 14 decrease the number of  
18 minority voters who were able to vote?

19 A. I think if you look at -- one of the things I  
20 can think of at moment, if you look at, you know, what  
21 you have and how you can vote now it's -- and then what  
22 you would need from SB 14, it could decrease the numbers  
23 who would be able to participate to vote. So that would  
24 have the impact -- it would have the impact that way.

25 Q. So when you say impact, is the impact that

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1 minority voters -- that certain minority voters would  
2 not have one of the forms of ID required by SB 14, is  
3 that how it would prevent people from voting?

4 A. I think if you look at the information that the  
5 Secretary of State had submitted to DOJ and would have  
6 us show that, you know, not everybody would have or has,  
7 you know, said IDs that is required. I would say that  
8 it would decrease the number or it would have an impact  
9 on those who would be able to vote.

10 Q. Okay. And the impact would be because they --  
11 they wouldn't have the ID?

12 A. Correct.

13 Q. So -- so that's -- so that's based on numbers  
14 that were prepared by the Texas Secretary of State?

15 A. Secretary of State and I believe a report was  
16 done by the Brennan Center that has showed who --  
17 different populations of who lack sufficient forms of ID  
18 that would be needed to vote.

19 Q. Was the Brennan Center study, was that specific  
20 to Texas or was it nationwide?

21 A. I can't recall at the moment. I really can't.

22 Q. Okay. Does the Texas NAACP conduct any studies  
23 to determine how SB 14 would impact -- would impact  
24 voters?

25 A. No.

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1 Q. Other than the Texas Secretary of State's --  
2 well let me clarify just -- I think I know what you're  
3 talking about, but I want to clarify.

4 A. Okay.

5 Q. When you say the Texas Secretary of State's,  
6 that their analysis, was that -- is that the analysis  
7 that was -- or the numbers or whatever it was, that was  
8 provided to the Department of Justice --

9 A. Yes.

10 Q. -- by the Secretary of State?

11 A. Yes.

12 Q. Okay. So other than the Secretary of State's  
13 numbers and the Brennan Center report, is there anything  
14 else that -- that supports the claim that SB 14 will  
15 decrease the number of minority voters who can vote?

16 A. I -- I would say, well, I guess, you could also  
17 include the letters that we also submitted during the  
18 preclearance process that we mentioned earlier.

19 Q. Okay.

20 MR. FREDERICK: If you don't mind, why  
21 don't we mark those as exhibits. I don't have copies  
22 with me, but, if that's all right, let's mark them, just  
23 so we can talk about them.

24 THE WITNESS: Sure.

25 (Exhibits 3 and 4 marked for

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1 identification.)

2 MS. RUDD: Matt, do you want to take a  
3 break and make copies so you'll have copies to work  
4 from?

5 MR. FREDERICK: Yeah, why don't we do  
6 that.

7 MS. RUDD: We'll stay put if you just want  
8 to run and make copies or have someone come and get  
9 them.

10 MR. FREDERICK: Let me just send a quick  
11 e-mail and we can have someone bring one down and I  
12 think we can keep moving. Let me go ahead and ask.

13 Q. (BY MR. FREDERICK) So you've got Exhibit 3  
14 there, which I believe is the September letter. What I  
15 will ask you in a minute and if you can just look in  
16 there, I'd like for you to show me what, in that letter,  
17 supports the claim that SB 14 will decrease the number  
18 of minority voters who can vote. And I'll give you some  
19 time to look through it.

20 A. Sure, sure, sure. (Reading Exhibit 3.)

21 Q. So Mr. Banks, just to get everybody on the same  
22 page, I had asked you to show me in Exhibit 3 what in  
23 that letter supported your contention that SB 14 would  
24 have a negative impact on minority voters.

25 A. Sure. I'm on Page 4.





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1 Q. Okay.

2 A. Of the September 14th dated document. And,  
3 actually, could probably even start on Page 3 where at  
4 the very top how it says, "The Senate Bill 14 photo  
5 identification requirements for in-person voting will  
6 have a retrogressive affect on African-American or  
7 Latino citizens' ability to vote." I guess is where  
8 they start. And, I guess, the November 2008 current  
9 population survey, 54.3 percent of voting-eligible  
10 Latinos in Texas said they were registered to vote  
11 compared to 73.6 of voting-eligible Whites, 73.7 of  
12 voting-eligible African-Americans. That data would show  
13 that voting-eligible Latinos in Texas are significantly  
14 less likely to be registered than Whites. So if you  
15 look how it already is, and then if you go to Page 4, it  
16 speaks on the how available data show that African  
17 Americans and Latino citizens are less likely than White  
18 citizens to possess a form of identification required by  
19 Senate Bill 14. And they point to the national data to  
20 demonstrate the disproportionate impact of photo ID  
21 requirements. And they quote a national survey from  
22 2008 showing 10 percent of registered African-American  
23 voters, 5.8 percent Asian-American, and 5.5 percent of  
24 Latino voters do not own any form of government-issued  
25 photo ID, and in contrast, only 5.2 percent of White

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1 voters lacked a valid form of photo ID.

2 Q. Okay. So is there anything else in that letter  
3 that you would point to as supporting the claim that SB  
4 14 will have a negative impact on minority voters?

5 A. Yeah. I would say the whole letter would be, I  
6 guess, the easiest way of doing it. The whole  
7 document. It speaks for itself. It stands alone, on  
8 its own, without me having to go into detail about it.

9 Q. The survey that was discussed in that letter is  
10 a national survey. Are there any -- is the Texas NAACP  
11 aware of any surveys of Texas voters that show different  
12 levels of ID possession by -- by race or ethnicity?

13 A. I'm not aware of any. None time that I'm aware  
14 of at this moment. So I'm not sure.

15 Q. But the NAACP -- the Texas NAACP never  
16 conducted that kind of study on ID possession?

17 A. None that I can recall.

18 Q. Do you know if the study that's cited in the  
19 September --

20 A. 2011.

21 Q. Yeah, the September 2011 letter, do you know  
22 what kinds of ID that study considered?

23 A. It's a government-issued photo ID in the  
24 letter, so I couldn't go into detail about what that  
25 would consist of.

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1 Q. Okay. So you can't say whether that, that  
2 national study looked specifically at the kinds of ID  
3 listed in SB 14?

4 A. Not with 100 percent certainty.

5 Q. Okay. Do you have any reason to believe that  
6 it -- that the national survey did consider the forms of  
7 ID listed in SB 14?

8 A. I would --

9 MR. VANDEWALKER: Objection.

10 MR. FREDERICK: I'm sorry. Can you repeat  
11 the objection. You broke up.

12 MR. VANDEWALKER: I'm sorry. The  
13 objection is asked and answered.

14 Q. (BY MR. FREDERICK) Okay. You can answer if you  
15 remember the question. I'm happy to ask it again.

16 A. Could you ask it again?

17 Q. Of course.

18 So you -- you said a moment ago that you  
19 can't say with 100 percent certainty that that national  
20 study in that letter considered forms of ID listed in SB  
21 14. And my question is whether you have any reason to  
22 believe, even if it's less than 100 percent, that that  
23 national study considered the specific forms of ID  
24 listed in SB 14?

25 A. I would -- yeah. I would say they looked at

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1 the governmental ID and that's all I could say -- or  
2 government-issued, I should say, IDs and that's left up  
3 to interpretation of what is a governmental ID.

4 Q. Have you looked at the actual study that's  
5 referred to in that article -- or that letter rather?

6 A. I don't believe I have. Not that I'm aware  
7 that I have. I couldn't say.

8 Q. Okay. Do you know what specific forms of ID  
9 were considered in the study mentioned in the September  
10 2011 letter?

11 A. Only governmental ID or government-issued IDs.

12 Q. Okay. So you don't know what specific types of  
13 government-issued IDs that study considered?

14 MR. VANDEWALKER: Objection, asked and  
15 answered.

16 A. Not that I'm aware of.

17 Q. (BY MR. FREDERICK) Okay. Thank you.

18 MR. FREDERICK: Okay. I've got a copy  
19 now.

20 MR. VANDEWALKER: I'm sorry, if I could  
21 just say I hope we could take a break at half past, if  
22 that's a good stopping point.

23 MR. FREDERICK: Yeah, I think we can do  
24 that.

25 MR. VANDEWALKER: Okay. I mean, I'm



<p style="text-align: center;">97</p> <p>1 sorry. I said break, I meant lunch break, a longer 2 break.</p> <p>3 MR. FREDERICK: Sure, of course. Yeah, 4 let me -- I think I can reach a stopping point in just a 5 few minutes.</p> <p>6 MR. VANDEWALKER: Okay, great.</p> <p>7 Q. (BY MR. FREDERICK) Let's move on to the other 8 letter. So this has been marked as Exhibit 4.</p> <p>9 A. Yes.</p> <p>10 Q. And actually, just to make sure we're looking 11 at the same thing: This is the November 16, 2000 12 letter?</p> <p>13 A. Yes.</p> <p>14 THE REPORTER: 2000?</p> <p>15 MR. FREDERICK: Sorry, 2011.</p> <p>16 Q. (BY MR. FREDERICK) November 16, 2011. Now and 17 take your time to look at it. Can you -- can you point 18 me to what it is in this letter that supports the claim 19 that SB 14 will have a negative impact on minority 20 voters?</p> <p>21 A. Okey-doke. I think I have -- would you state 22 your question so I can make sure my response is correct?</p> <p>23 Q. Of course. Can you show me in the November 24 2011 letter, what in that letter supports the claim that 25 SB 14 will have a negative impact on minority voters?</p>	<p style="text-align: center;">99</p> <p>1 from the State's data.</p> <p>2 Q. Okay. And is that the Secretary of State data 3 that was submitted to the Department of Justice?</p> <p>4 A. That would be my understanding.</p> <p>5 Q. Okay. What -- what does -- what do those data 6 show? What does the Secretary of State data show about 7 photo ID possession?</p> <p>8 A. Well, ask your question again to make sure. I 9 think I've got the answer for you.</p> <p>10 Q. Sure. The Secretary of State data that are 11 referred to in this letter --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- in your understanding, what do -- what do 14 those data show about the levels of photo ID possession?</p> <p>15 A. Okay. I'm trying to think the best way to word 16 it. Well, if you -- on Page 3, Section 2, it states at 17 the very beginning -- well, it states what the State 18 failed to provide, but the second sentence says 19 "However, the information that the State has provided 20 reveals that Latinos, the largest minority group in the 21 State, are substantially over-represented among the 22 population of Texas voters who currently lack a state- 23 issued ID."</p> <p>24 So according to the State's own data, 25 which I guess the Spanish-surname voters make up 28.96</p>
<p style="text-align: center;">98</p> <p>1 A. If we start with Page 2.</p> <p>2 Q. Okay.</p> <p>3 A. Which is, I guess, for all intents and purposes 4 the beginning of what they're seeing, and I think if you 5 look at the bottom paragraph, it says, "Neither the new 6 EIC program nor the proposed voter education program 7 would cure disparities in photo ID ownership for several 8 reasons." And they go into lay out the reasons. And 9 then as you go through the document, it breaks it down 10 to more information when it gets down to, "The available 11 data demonstrates that voters of color disproportionately 12 lack the requisite photo ID." I think the document once 13 again speaks for itself with all the data that's 14 provided in here. It shows why it would still have a 15 negative effect on minorities when it comes to voting.</p> <p>16 Q. And so it says "disparities in photo ID 17 ownership." What is -- what is that statement based 18 on? What is the claim that there is a disparity in 19 voter ID -- in photo ID ownership based on?</p> <p>20 A. Well, at the very top, where it says "Overview 21 of the retrogressive effect," that first paragraph, I 22 guess I should say second sentence. "First, the State's 23 own data demonstrates that, currently, a 24 disproportionate number of minority voters lack the 25 requisite identification." So I would say it would be</p>	<p style="text-align: center;">100</p> <p>1 percent of registered voters without a State-issued 2 photo ID.</p> <p>3 Q. Do the data submitted by the State show any 4 disparity in photo ID ownership by African-American 5 voters?</p> <p>6 A. Well, on Page 4, it says, "Although Texas has 7 failed to provide, or even estimate, the number of 8 African-American, Asia-American, and White voters in the 9 State who currently lack photo ID, its data still firmly 10 rule out the possibility that White voters lack ID at 11 the same rate as Latino voters." So the State did it 12 because the State doesn't -- didn't have the 13 information, doesn't track that information.</p> <p>14 Q. So are you aware of any -- any study that 15 shows, specifically, that African-American voters in 16 Texas disproportionately lack photo ID compared to any 17 other group?</p> <p>18 A. Could you repeat the question?</p> <p>19 Q. Uh-huh. Are there any studies that show that 20 African-American voters in Texas lack photo ID 21 disproportionately?</p> <p>22 A. Any studies?</p> <p>23 Q. Any studies or any data?</p> <p>24 A. I think this letter that we submitted states 25 that. And so I would say that the letters that we</p>



<p style="text-align: center;">101</p> <p>1 submitted, but I couldn't -- there's no -- I guess I</p> <p>2 could recall but...</p> <p>3 Q. Okay. Can you point me to a specific study or</p> <p>4 set of data in -- anywhere, including in these letters,</p> <p>5 that -- that concludes that African-American voters in</p> <p>6 Texas disproportionately lack photo ID?</p> <p>7 A. Could you restate your question for me, please?</p> <p>8 Q. Yeah. Could you point me to any study or any</p> <p>9 data that shows that African-American voters in Texas</p> <p>10 lack photo ID at a higher rate than other groups?</p> <p>11 A. Okay. I would still -- I'm thinking. If you</p> <p>12 just say it one more time to make sure I got it right.</p> <p>13 Q. Of course. Can you identify any study or data</p> <p>14 that shows specifically that African-American voters in</p> <p>15 Texas lack photo ID disproportionately at a higher rate</p> <p>16 than other groups?</p> <p>17 A. Well, I think on Page 5 of the -- the November</p> <p>18 letter we submitted, it -- it's -- to me, my</p> <p>19 interpretation, it says that -- as my understanding</p> <p>20 goes, where it says "Absent of any evidence to the</p> <p>21 contrary provided by the State, it appears that these</p> <p>22 racial disparities also exist in Texas, not only as to</p> <p>23 Latino voters, but as to African-Americans and Asia-</p> <p>24 Americans as well. This further underscores the</p> <p>25 retrogressive impact that Senate Bill 14 would have on</p>	<p style="text-align: center;">103</p> <p>1 Q. What is the basis for that contention?</p> <p>2 A. I think it goes back to the letters we</p> <p>3 submitted that shows the data of -- is going to affect</p> <p>4 all minorities. We didn't just look at African</p> <p>5 Americans when it came to who the effect would have. We</p> <p>6 looked at all minorities. And we believe that it would</p> <p>7 have an effect on the Asian Americans as well. I think</p> <p>8 even in 2009, a friend of mine -- 2009, a friend of</p> <p>9 mine, Ramey Ko, had testified how this voter ID bill</p> <p>10 would have the impact and effect it would have on Asian</p> <p>11 Americans as well.</p> <p>12 Q. Did the Texas NAACP conduct any studies on the</p> <p>13 impact of SB 14 on Asian American voters?</p> <p>14 A. We did not, no.</p> <p>15 Q. Did the Texas NAACP conduct any studies on</p> <p>16 rates of photo ID possession by Asian American voters?</p> <p>17 A. We did not, no.</p> <p>18 Q. Are you familiar with the polls regarding</p> <p>19 support for voter ID legislation among Texas residents?</p> <p>20 A. Somewhat, yes.</p> <p>21 MR. VANDEWALKER: Objection, vague.</p> <p>22 Q. (BY MR. FREDERICK) Are you familiar with any</p> <p>23 the polls that were cited in the legislative record for</p> <p>24 SB 14?</p> <p>25 A. I would have to actually, I guess, see</p>
<p style="text-align: center;">102</p> <p>1 minority voter strength if Texas implements the proposed</p> <p>2 photo ID requirement."</p> <p>3 Q. Okay. And so those two sentences you've just</p> <p>4 identified there on Page 5 at the top, I'm looking at</p> <p>5 them. I don't see any -- any footnotes or citations; is</p> <p>6 that -- is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. So this -- this is absent any evidence</p> <p>9 to the contrary. I understand that. Are you aware of</p> <p>10 any evidence that shows that African-Americans lack</p> <p>11 photo ID disproportionately in Texas?</p> <p>12 A. I -- well, beside these two reports, nothing I</p> <p>13 can say at the moment.</p> <p>14 Q. Okay.</p> <p>15 MR. FREDERICK: Okay, I think now is an</p> <p>16 okay time to break for lunch.</p> <p>17 MS. RUDD: All right.</p> <p>18 MR. FREDERICK: I've got 12:38. You want</p> <p>19 to say 1:45?</p> <p>20 MS. RUDD: That would be great.</p> <p>21 (Recess from 12:38 to 1:50 p.m.)</p> <p>22 Q. (BY MR. FREDERICK) Does the Texas NAACP contend</p> <p>23 that SB 14 will have a negative impact on Asian American</p> <p>24 voters?</p> <p>25 A. We believe so.</p>	<p style="text-align: center;">104</p> <p>1 those. I couldn't tell you offhand which ones were --</p> <p>2 were cited.</p> <p>3 Q. Are you aware of polls showing that the</p> <p>4 majority of Texans support a photographic ID requirement</p> <p>5 to vote regardless of political affiliation?</p> <p>6 MR. VANDEWALKER: I object on the basis of</p> <p>7 relevance.</p> <p>8 A. Okay. I'm familiar with them, but I look at</p> <p>9 all polls based on how the question is asked.</p> <p>10 Q. (BY MR. FREDERICK) Are you aware of any --</p> <p>11 well, can you identify any specific problem or flaw with</p> <p>12 a poll of Texas voters about support for photo ID?</p> <p>13 MR. VANDEWALKER: Objection, vague.</p> <p>14 A. Is there a specific poll are we talking about</p> <p>15 or just --</p> <p>16 Q. (BY MR. FREDERICK) No.</p> <p>17 A. Okay. Well, my understanding would be, I think</p> <p>18 if you ask the question without going into details of</p> <p>19 what's going on or what's -- what said bill would look</p> <p>20 like, then I think that's when you get -- when you just</p> <p>21 ask general questions about, you know, what something</p> <p>22 is, then your answer will be very general. If I asked</p> <p>23 somebody if it's hot outside, and I don't give them</p> <p>24 temperature or whatever, then, yeah, I think the</p> <p>25 majority of people you may poll today will say "It's</p>



<p style="text-align: center;">105</p> <p>1 hot," but there may be a couple who will say that the 2 temperature isn't that bad.</p> <p>3 Q. Based on the materials that you've read, is it 4 your understanding that the majority of Texans support 5 the voter ID requirement to vote?</p> <p>6 A. I've seen numbers, with a vague question, that 7 may say as such. But more research will still need to 8 be done on saying, you know, what was told, was anything 9 more told up. There's still concerns when it just says, 10 flat out, well, how do you feel, there's concerns with 11 that. So I don't know how reliable some of the polls 12 are.</p> <p>13 Q. Are you aware of polls showing that the 14 majority of Texans support photographic ID requirements 15 to vote regardless of race?</p> <p>16 A. I think I've heard or seen some -- some of 17 those polls.</p> <p>18 Q. Are you aware of polls showing that the 19 majority of Texans support photographic ID requirement 20 to vote regardless of minority language status?</p> <p>21 A. I think I've seen some polls saying that.</p> <p>22 Q. Does the Texas NAACP contend that African 23 American voters in Texas are -- are more likely than 24 other voters to lack qualifying photo ID under SB 14?</p> <p>25 A. Yes, we do.</p>	<p style="text-align: center;">107</p> <p>1 And then even if they are given 2 provisional ballots, the process that they would have 3 come back and try to verify who they are is cumbersome 4 in itself, and that's a -- that was a concern also.</p> <p>5 Q. Does the Texas NAACP contend that -- that an 6 African American voter is less likely -- an African 7 American voter in Texas is less likely to possess a 8 qualifying form of ID, under SB 14, than an Anglo or a 9 Hispanic voter of the same socioeconomic status?</p> <p>10 A. Could you say the question again?</p> <p>11 Q. Of course. Of course. So if had -- well, if 12 you assume -- strike that. I'll just ask it again.</p> <p>13 A. Okay.</p> <p>14 Q. Does the Texas NAACP contend that African 15 American voters in Texas, are less likely to possess a 16 qualifying form of photo ID than Anglo or Spanish voters 17 of the same socioeconomic status?</p> <p>18 A. I would -- I think so. I think -- I think even 19 there's been data that show that even if they are the 20 same background or what have you, but it still would be 21 maybe a little bit more, have less access to it or what 22 have you. So I would think the data will show it. At 23 least I can say I'm pretty sure compared with Anglos, 24 I'd say yes. But I'm not 100 percent positive about 25 Hispanics.</p>
<p style="text-align: center;">106</p> <p>1 Q. And I know we had talked about this some 2 before. Can you tell me -- can you tell me what that 3 conclusion is based on?</p> <p>4 A. I think if you look at data that deals with -- 5 socioeconomic data that shows how your lower income 6 population tends to be minority, African American, 7 Hispanic, what have you, it would show that, you know, 8 there -- there -- the data that the people who could be 9 possessing any forms of ID, more likely would be your 10 minorities, when you looks at any form.</p> <p>11 And then even the access to be able to get 12 documents that would needed to get the ID would be a -- 13 could be an issue in itself, if you, you know, have to 14 travel hundreds of miles to get there because of where 15 you live or, you know, you don't have private 16 transportation. So the public transportation doesn't 17 get you, you know, in a good area to get there, or, you 18 note, the kind of jobs they may have or taking off work 19 to have to travel these many miles could be a hindrance 20 in itself. And like I say, even getting documents to 21 get it, the cost behind that, the financial strain, that 22 can be placed upon them, will be a burden, just so they 23 can -- and, you know, we feel that it's very important 24 to vote and have your voice heard. And so for them to 25 be able to do that and have to go through all that.</p>	<p style="text-align: center;">108</p> <p>1 Q. Okay. And you referred to -- to data. What -- 2 what data were you referring to when you said the data 3 will show that African Americans are less likely to 4 possess photo ID regardless of socioeconomic status?</p> <p>5 A. I can't think of any I can cite specifically 6 off the top of my head right now. But I think from 7 stuff I've seen and read overall, I would believe that 8 they would, even though they're from the same background 9 from different studies, that they still had the 10 disadvantages. So I would still say yeah.</p> <p>11 Q. Okay. You can't identify a specific study to 12 support that?</p> <p>13 A. Not off the top of my head right now, no.</p> <p>14 Q. Okay. Can you identify for us any articles or 15 books or newspaper stories, anything like that?</p> <p>16 A. Not that I can call -- recall right now 17 specifically, no.</p> <p>18 Q. Does the Texas NAACP contend that Latino voters 19 in Texas are less likely to possess qualifying forms of 20 photo ID, under SB 14, than Anglo and African American 21 voters of the same socioeconomic status?</p> <p>22 A. I would probably go back to my previous 23 answer. And I couldn't say compared with African 24 Americans, but I think when you look at overall data, 25 still that they would more than likely, compared with</p>





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1 Anglos, would -- would not have -- even in the same  
2 economic area, would still not have the same -- would  
3 have ID, the forms of ID.

4 Q. Can you identify any study or paper or anything  
5 that supports that conclusion?

6 A. Not at -- at this point, I couldn't, no.

7 Q. Do you think that you have seen a specific  
8 study that makes that conclusion?

9 A. I feel like I have, but I'm not -- I've done a  
10 lot of reading, and I think it just -- I think -- I  
11 think I've seen, you know, data overall stating that  
12 even when you look at economic in the same group, for --  
13 for whatever reasons, is that minorities still will seem  
14 to be worse off overall when even in the same economic  
15 group, so...

16 Q. Does Texas NAACP contend that elderly voters  
17 are less likely to have qualifying identification under  
18 SB 14?

19 A. We believe so, yes.

20 Q. Can you tell me what that conclusion -- or that  
21 belief is based on?

22 A. That you will have -- there will still be  
23 people around now who may have been born by midwife or  
24 what have you. And so what it comes to, they may have  
25 had IDs before, but they could be no longer driving or

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1 have need to drive or what have you, so they let their  
2 ID relapse, and now to go get one, and you're asking for  
3 records that may not exist anymore because of when they  
4 were born and the time period or the hospital that was  
5 there could have been burnt down and records lost, and  
6 it's never been an issue or a concern before, now to  
7 have to do it, so there's a concern that they wouldn't  
8 have documentations needed to -- to obtain the IDs  
9 mentioned.

10 Q. Can you identify any study or article that  
11 supports that?

12 A. At this moment, I could not, no.

13 Q. Do you believe that you have seen a study  
14 specifically finding that elderly voters are more likely  
15 to lack photo ID?

16 A. I think a newspaper article or -- or a study,  
17 it seems like I've -- I've read one, but I can't say  
18 with a hundred percent certainty.

19 Q. Does Texas NAACP contend that indigent voters  
20 are less likely than nonindigent voters to have a form  
21 of ID required by SB 14?

22 A. You said less likely?

23 Q. Yeah. Are indigent voters less likely to have  
24 qualifying ID?

25 A. Yes.

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1 Q. And what is that conclusion based on?

2 A. For the fact that -- well, they're indigent, so  
3 they -- they haven't the funds, the excess funds  
4 necessary to get, I think, certain things that some  
5 people take for -- for granted of, you know, you just  
6 have. But when -- when you set your priorities of what  
7 you may need to have to live, you know, the form of ID,  
8 may not be on your high list of "I have to have this",  
9 but I need to be worried about other things. So, you  
10 know, that's a concern. Or even if somebody who's been  
11 homeless for while and hasn't had to have ID, what have  
12 you, that's a concern as well.

13 Q. Can you think of a specific study or article  
14 that specifically finds that indigent voters are less  
15 likely to have photo ID?

16 A. Not off the top of my head right now, no, I  
17 can't.

18 Q. Do you believe that you have seen a study or  
19 article at some point that specifically finds indigent  
20 voters to be less likely to have photo ID?

21 A. I think I may have seen something, but I can't  
22 recall at this moment.

23 Q. Does Texas NAACP contend that disabled voters  
24 are less likely than nondisabled voters to have a form  
25 of ID required by SB 14?

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1 A. We think it's possible, yes.

2 Q. Has the Texas NAACP conducted any studies about  
3 rates of ID possession among disabled voters?

4 A. No, we haven't.

5 Q. To backtrack a bit, has Texas NAACP conducted  
6 any studies about rates of ID possession among elderly  
7 voters in Texas?

8 A. No, we haven't.

9 Q. Has the Texas NAACP conducted any studies on  
10 rates of ID possession among indigent voters in Texas?

11 A. No, we haven't.

12 Q. Can you tell me what -- can you give me the  
13 basis for the belief that disabled voters may be less  
14 likely to have photo ID?

15 A. With that, you know, it's from a conversation  
16 with -- with the disability -- one of the disability  
17 group, disability, what -- what are they called? The  
18 disability group. I think it's Disability Rights of  
19 Texas. And I know they had concerns, so...

20 Q. Do you recall if they -- if Disability Rights  
21 Texas showed you any studies about photo ID possession  
22 by disabled voters?

23 A. Not that I recall seeing.

24 Q. Does Texas NAACP contend that rural voters are  
25 less likely than urban or suburban voters to have





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1 qualifying photo ID under SB 14?

2 A. I would say so, yes.

3 Q. And what is that conclusion based on?

4 A. Locations of DPS offices, the access to be able  
5 to -- to get to them, it could be burdensome in itself,  
6 where you have to travel hundreds of miles or what you  
7 have to get to the offices.

8 Q. Is that conclusion based on anything else?

9 A. At this moment, that's all I can recall.

10 Q. Does Texas NAACP contend that voters without a  
11 high school diploma are less likely than voters with a  
12 high school diploma to have qualifying photo ID under  
13 SB 14?

14 A. Could you restate -- restate the question?

15 Q. Of course. Does Texas NAACP contend that  
16 voters without a high school diploma are less likely to  
17 have qualifying photo ID under SB 14?

18 A. I would say yes, they would.

19 Q. And what is that conclusion based on?

20 A. I've seen, I guess, different studies about how  
21 level of activity, when you're looking at whether you  
22 have the high school diploma or equipment to not, when  
23 you see how involved civically they are, the chances of  
24 their having -- I'm sorry, when you see the level of  
25 civic activity, how involved they are, there's a chance

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1 that they may not -- and they also tend to be -- the  
2 ones without the high school diploma tends to more be  
3 fall back to the indigent or your economically  
4 disadvantaged group, so there's a chance of -- having an  
5 ID is not one of their focuses whatever.

6 Q. Has Texas NAACP conducted any studies, that  
7 you're aware of, about rates of ID possession among  
8 voters with or without a high school diploma?

9 A. No, we haven't, that I'm aware of.

10 Q. Has Texas NAACP conducted any studies about  
11 rates of ID possession for rural voters?

12 A. Not that I'm aware of, no.

13 Q. Does Texas NAACP contend that young voters are  
14 less likely than other voters to have qualifying ID  
15 under SB 14?

16 A. Yes.

17 Q. Can you tell me what that conclusion is based  
18 on?

19 A. You have voters who may be from out of state  
20 who are going to school here and may not have the  
21 required ID that you're asking for, and so they, you  
22 know, may have a hard time as well getting the ID  
23 necessary.

24 Q. Is there any other reason, that you're aware  
25 of, that a young voter would be less likely to have an

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1 ID?

2 A. At the moment, that's -- that's all I can  
3 recall at this moment.

4 Q. Has Texas NAACP conducted any studies of rates  
5 of photo ID possession among young voters?

6 A. No, we haven't.

7 Q. Okay. I'm going to move on to talk about the  
8 Texas NAACP membership. Who are -- who are the members  
9 of the Texas State Conference of NAACP Branches?

10 A. We are made up of our elected officers, as well  
11 as the appointed members of the executive committee, and  
12 then our individual state units. The local units would  
13 comprise the -- the members in the -- in the state will  
14 comprise the Texas State conference.

15 Q. Okay. So am I correct in understanding that  
16 the Texas State Conference of NAACP Branches is made up  
17 of other -- other organizations?

18 A. Not organizations. We have the state  
19 conference, and then we have our chapters of the NAACP.  
20 So Austin has a NAACP chapter.

21 Q. Uh-huh.

22 A. Killeen, Houston, what have you, and then those  
23 all form to make up the Texas State Conference.

24 Q. Okay. And so for -- other than officers and  
25 the executive committee, are there individuals who are

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1 -- who would be members of the Texas State Conference of  
2 NAACP Branches?

3 A. This is my understanding of -- of our bylaws,  
4 as I've read them and try to get familiar with them. My  
5 understanding is our members, individual members will be  
6 considered members of the Texas State Conference, if  
7 that is --

8 Q. When you say "our individual members," are you  
9 talking about actual individuals or individual branches?

10 A. Both.

11 Q. Okay. Maybe it's --

12 A. Both.

13 Q. It's a little bit confusing, because I don't --  
14 I'm trying to figure it out myself.

15 A. Not a problem.

16 Q. So if -- are individuals, would they be  
17 considered members of the individual branches, or would  
18 they also be members of the Texas State Conference?

19 A. Kind of both.

20 Q. Both?

21 A. So you're a member of the Austin branch, and by  
22 being a member of Austin branch, and Austin branch is a  
23 part of the state -- you're a member of the Texas State  
24 Conference.

25 Q. Okay. It's kind of like if you're a Texas



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<p style="text-align: center;">117</p> <p>1 citizen, you're also a United States citizen?</p> <p>2 A. Something similar, yes, sir.</p> <p>3 Q. All right. Okay.</p> <p>4 I want to give you -- I want to give you</p> <p>5 an exhibit. I hope I have one. Somehow, I lost my</p> <p>6 extra copies of these. Oh wait, no, sorry. We've</p> <p>7 already marked this. So I'm -- what I've got is --</p> <p>8 these are objections, response to objections to the</p> <p>9 state's first set of interrogatories, and maybe</p> <p>10 Number 2?</p> <p>11 A. 2. Yes.</p> <p>12 Q. You got it. Great. Thanks.</p> <p>13 Could I get you to turn to page 10 of</p> <p>14 that, please.</p> <p>15 A. Okay.</p> <p>16 Q. All right. And so the last paragraph --</p> <p>17 So everybody knows what we're talking</p> <p>18 about, this is Interrogatory Number 4, which is actually</p> <p>19 on Page 9, and it says, "State the name and address of</p> <p>20 each of your members who, A, is registered to vote in</p> <p>21 Texas, and, B, does not have one or more of the forms of</p> <p>22 identification listed in Texas Election Code, Section</p> <p>23 63.0101."</p> <p>24 So I want to talk about the answer, the</p> <p>25 part of the answer that is in this last paragraph.</p>	<p style="text-align: center;">119</p> <p>1 NAACP for us to help us -- or to help you or for you to</p> <p>2 reach out to us for help.</p> <p>3 Q. Okay. That makes sense.</p> <p>4 So is -- is there any kind of list of</p> <p>5 constituents as opposed to members, or is it just kind</p> <p>6 of, if somebody calls for help --</p> <p>7 A. If somebody --</p> <p>8 Q. -- they're a constituent?</p> <p>9 A. I'm sorry. I didn't mean to cut you off.</p> <p>10 Q. No, no, no, no.</p> <p>11 A. If somebody calls for help or, you know, a</p> <p>12 letter or whatever, they reach out to us, we'll help.</p> <p>13 Q. Okay. Do you know how many Texas registered</p> <p>14 voters lack one of the forms of photo ID required by</p> <p>15 SB 14?</p> <p>16 A. I couldn't -- I can't recall that -- that</p> <p>17 number off the top of my head. I think it may be in the</p> <p>18 letter we -- we submitted. I think. But I can't recall</p> <p>19 the number off the top of my head.</p> <p>20 Q. But you believe that you have -- have seen a</p> <p>21 number of registered voters without ID?</p> <p>22 A. I do believe I did see a number, yes.</p> <p>23 Q. Do you recall where that number came from or</p> <p>24 how -- what it was based on?</p> <p>25 A. I want to say -- I believe it was, like, in a</p>
<p style="text-align: center;">118</p> <p>1 A. Okay.</p> <p>2 Q. It says that, "There are broad categories of</p> <p>3 Texas NAACP's constituency that are adversely affected</p> <p>4 by Senate Bill 14." And then it goes on to list</p> <p>5 categories which are individuals who do not currently</p> <p>6 have a form of identification prescribed in SB 14,</p> <p>7 individuals for whom obtaining a form of identification</p> <p>8 prescribed in Senate Bill 14 would be an unreasonable</p> <p>9 hardship, and individuals unlikely to be able to obtain</p> <p>10 a free form of identification. Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. First, I want to make sure I understand.</p> <p>13 So when -- when this says the NAACP's constituency, is</p> <p>14 that different from its membership?</p> <p>15 A. I would say, yes.</p> <p>16 Q. Okay. Can you -- can you tell me -- well, who</p> <p>17 makes up the constituency?</p> <p>18 A. Sure. Sure. Our constituency, because there</p> <p>19 are people who are not members of NAACP that we do help.</p> <p>20 Q. Okay.</p> <p>21 A. So people who are not members are still</p> <p>22 considered -- you can call them, I guess, our -- by my</p> <p>23 understanding of it or definition of it, they would be</p> <p>24 considered our constituency because we do help them out</p> <p>25 if they need assistance. You don't have to a member of</p>	<p style="text-align: center;">120</p> <p>1 newspaper, and it was based off just the little</p> <p>2 information the state turned over to the DOJ, based off</p> <p>3 of that information, which wasn't even -- they couldn't</p> <p>4 get the full number, but just an estimate from that or</p> <p>5 whether it would -- whether it could be figured out from</p> <p>6 that. I do believe I did see a number stated.</p> <p>7 Q. Moving back quickly to the Secretary of State</p> <p>8 numbers, do you know how the Secretary of State got</p> <p>9 whatever number it put in its letter to the DOJ?</p> <p>10 A. I believe it was from Spanish surname is what</p> <p>11 they all could do, but the process and the whole -- how</p> <p>12 they worked it out, I'm not quite that familiar with,</p> <p>13 but I do recall reading it. It mentions Spanish</p> <p>14 surname.</p> <p>15 Q. Do you know what kinds of photo IDs the</p> <p>16 Secretary of State used to get the number in that</p> <p>17 letter?</p> <p>18 A. It's the information they got from DPS office,</p> <p>19 so I'm not sure if -- what all IDs it -- it entailed. I</p> <p>20 don't -- I didn't read any specifics of which one. And</p> <p>21 that may very well be in the letters we submitted to the</p> <p>22 DOJ as well. But I can't recall right now.</p> <p>23 Q. So you don't know -- you don't know if that</p> <p>24 number took into account passport holders?</p> <p>25 A. I -- I couldn't say.</p>



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1 Q. Okay. And you don't know if it took into  
2 account military ID holders?

3 A. Yeah, I -- I can't say. I'm not sure on -- on  
4 that.

5 Q. Do you know how many members of the Texas NAACP  
6 do not have one of the forms of ID required by SB 14?

7 A. I'm not aware. I couldn't say a number.

8 Q. Can you identify any member of the Texas NAACP  
9 who does not have one of the types of photo ID required  
10 by SB 14?

11 A. At this moment, I couldn't say right now.

12 Q. Can you identify any constituent of the Texas  
13 NAACP who does not have one of the IDs required by  
14 SB 14?

15 A. I can't say at this moment right now. I  
16 couldn't be able to answer that, that I'm aware of.

17 Q. Can you identify any Texas registered voter who  
18 doesn't have one of the photo IDs required by SB 14?

19 A. I couldn't identify anybody at this moment that  
20 I'm aware of.

21 Q. Do you know how many Texas NAACP members don't  
22 have the documents that would be required to get a form  
23 of ID required by SB 14?

24 A. I couldn't tell you right now at this moment.

25 Q. Can you identify any member of the Texas NAACP

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1 who doesn't have documents necessary to get a state-  
2 issued photo ID for SB 14?

3 A. I couldn't say at this moment.

4 Q. Can you identify constituent of the Texas  
5 NAACP who doesn't have the documents necessary to get an  
6 ID required by SB 14?

7 A. I couldn't say at this moment that I'm aware  
8 of.

9 Q. Can you identify any Texas registered voter who  
10 does not have documents that would be necessary to get a  
11 photo ID required by SB 14?

12 A. At this moment right now, I could not say I  
13 recall.

14 Q. When you say you can't recall, do you think  
15 that you could identify a registered voter who doesn't  
16 have the documents at some point and just can't  
17 remember?

18 A. Ask the question again. I'm sorry.

19 Q. Well, let me just ask the original one again.

20 A. Okay.

21 Q. I think I'm getting a little off track.

22 Can you identify any Texas registered  
23 voter who does not have the documents that would be  
24 necessary to get a photo ID required by SB 14?

25 A. I would say not that I'm aware of, to my

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1 knowledge.

2 Q. Do you know how many Texas registered voters  
3 lack the documents necessary to get a state-issued photo  
4 ID -- or I'm sorry. Let me scratch that.

5 Do you know how many Texas registered  
6 voters lack documents necessary to get a form of ID  
7 required by SB 14?

8 A. Ask the question again.

9 Q. Sure. Do you know how many Texas registered  
10 voters lack the documents that would be necessary to get  
11 an ID required by SB 14?

12 A. Not -- I haven't seen anything that said -- has  
13 said so, so I'm not aware.

14 Q. Okay. Do you know how many Texas NAACP members  
15 lack a Texas driver's license?

16 A. No, I'm not aware.

17 Q. Do you know how many Texas NAACP members lack  
18 -- how many Texas NAACP members lack either a driver's  
19 license or a state-issued personal ID card?

20 A. No, I am not aware.

21 Q. Do you know how many Texas NAACP members have a  
22 concealed handgun license?

23 A. No, I'm not aware of that also.

24 Q. Do you know how many Texas NAACP members have a  
25 passport?

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1 A. I am not aware of the number, no.

2 Q. Do you know how many Texas NAACP members have a  
3 military identification card with a photograph?

4 A. I am not aware, no.

5 Q. Do you know how many of the Texas NAACP's  
6 members have a citizenship certificate with a  
7 photograph?

8 A. I am not aware, no.

9 Q. Are you familiar at all with levels of photo ID  
10 possession by voters in Georgia?

11 A. Ask the question again.

12 Q. Sure. Are you familiar with the levels of  
13 photo ID possession by voters in Georgia?

14 MR. VANDEWALKER: Objection, relevance.

15 A. Somewhat. I'm not an expert on it, but I think  
16 so.

17 Q. (BY MR. FREDERICK) Okay. Can you tell me --  
18 can you tell me what -- what do you know about the  
19 levels of photo ID possession by voters in Georgia?

20 MR. VANDEWALKER: Objection, relevance.

21 A. If it's my understanding, and I think I  
22 understand it, but I'm not 100 percent, but I believe  
23 that voters in Georgia had to have a -- had a -- were  
24 issued IDs already before the bill went into effect.

25 Q. (BY MR. FREDERICK) When you say "the bill," you



<p style="text-align: center;">125</p> <p>1 mean the Georgia --</p> <p>2 A. Yes.</p> <p>3 Q. -- photo ID bill?</p> <p>4 A. Yes.</p> <p>5 Q. And what's that understanding based on?</p> <p>6 A. Conversation -- conversations --</p> <p>7 MR. VANDEWALKER: Objection, relevance.</p> <p>8 A. Conversations that were had. I think it's also</p> <p>9 in Mr. Bledsoe's -- one of his testimonies that he gave</p> <p>10 to the Legislature, I think he mentioned it. And that</p> <p>11 I'm not 100 percent, but I think he -- he may have.</p> <p>12 Q. (BY MR. FREDERICK) Okay. What is your</p> <p>13 understanding about -- scratch that. I'll ask it</p> <p>14 another way.</p> <p>15 Is it your understanding that African</p> <p>16 American voters in Georgia possess photo ID at a</p> <p>17 different rate than, say, Anglo voters in Georgia?</p> <p>18 MR. VANDEWALKER: Objection, relevance.</p> <p>19 A. That -- I haven't seen data that show -- ask</p> <p>20 the question again so I wrap my head around it.</p> <p>21 Q. Sure. Sure.</p> <p>22 MR. FREDERICK: Actually, can you read the</p> <p>23 question back?</p> <p>24 (The question was read by the reporter.)</p> <p>25 A. Okay. I haven't seen data from Georgia as far</p>	<p style="text-align: center;">127</p> <p>1 registered voters in Texas possess a qualifying form of</p> <p>2 photo ID under SB 14?</p> <p>3 A. Not that I can right now, no.</p> <p>4 Q. Do you know what percentage of Anglo voters,</p> <p>5 registered voters in Texas possess a form of photo ID</p> <p>6 required by SB 14?</p> <p>7 A. Not that I can recall, no.</p> <p>8 Q. Do you know what percentage of Asian American</p> <p>9 voters, registered voters in Texas, possess a qualifying</p> <p>10 form of photo ID under SB 14?</p> <p>11 A. Not that I can recall at this moment, no.</p> <p>12 Q. Do you know what percentage of Hispanic voters,</p> <p>13 registered voters in Texas, possess a qualifying form of</p> <p>14 photo ID under SB 14?</p> <p>15 A. Not that I'm aware of, no.</p> <p>16 Q. Does the Texas NAACP contend that minority</p> <p>17 voters in Texas possess photographic identification at a</p> <p>18 lower rate than minority voters in Georgia?</p> <p>19 MR. VANDEWALKER: Objection, relevance.</p> <p>20 A. I don't think that's something we've ever</p> <p>21 compared or talked about, so I'm not -- I'm not that</p> <p>22 familiar with, not to my knowledge anyway.</p> <p>23 Q. (BY MR. FREDERICK) And does the Texas NAACP</p> <p>24 contend that minority voters in Texas possess</p> <p>25 photographic identification at a lower rate than</p>
<p style="text-align: center;">126</p> <p>1 as how that may go, so I couldn't say. I wouldn't feel</p> <p>2 comfortable saying.</p> <p>3 Q. (BY MR. FREDERICK) Okay. Are you familiar with</p> <p>4 levels of photo ID possession by voters in Indiana?</p> <p>5 A. No.</p> <p>6 MR. VANDEWALKER: Objection, relevance.</p> <p>7 Q. (BY MR. FREDERICK) Are you familiar with levels</p> <p>8 of photo ID possession by voters in Texas?</p> <p>9 A. Would you ask the question again?</p> <p>10 Q. Sure. Are you familiar with the levels of</p> <p>11 photo ID possession by voters in Texas?</p> <p>12 A. And when you say "levels," I guess explain what</p> <p>13 you mean by levels, levels in Texas.</p> <p>14 Q. Sure. Are you familiar with the percentage of</p> <p>15 various racial or ethnic groups of voters in Texas who</p> <p>16 possess a photo ID that would qualify under SB 14?</p> <p>17 A. Somewhat. I think I've -- I feel like I've</p> <p>18 seen information or read about -- read about it, yeah.</p> <p>19 Q. Okay. Can you tell me what that information</p> <p>20 was?</p> <p>21 A. Well, from our report, I think the letters we</p> <p>22 submitted show that when it comes to having the</p> <p>23 necessary ID, that minorities rank lower than Anglos</p> <p>24 when it comes to having photo ID.</p> <p>25 Q. Do you know what percentage of African American</p>	<p style="text-align: center;">128</p> <p>1 minority voters in Indiana?</p> <p>2 MR. VANDEWALKER: Objection, relevance.</p> <p>3 A. Once again, that's -- I don't think that's</p> <p>4 anything that we've ever -- that I recall us talking</p> <p>5 about, so I'm not sure.</p> <p>6 Q. (BY MR. FREDERICK) All right. Let's go back to</p> <p>7 Exhibit 2.</p> <p>8 A. Okay.</p> <p>9 Q. And I ask you to turn to Page 9. We were</p> <p>10 talking about this earlier. This is Interrogatory 3,</p> <p>11 which is: If you contend that preventing voter fraud is</p> <p>12 not the purpose of SB 14 -- I'm paraphrasing -- identify</p> <p>13 and describe all facts and information that support your</p> <p>14 contention. And then on Page 9, let's see, this is the</p> <p>15 last paragraph before Interrogatory Number 4 starts, and</p> <p>16 it's the second sentence in that paragraph. It says,</p> <p>17 "The forms of identification required by Senate Bill 14</p> <p>18 are arbitrary and inequitable and appear calculated to</p> <p>19 marginalize minority voting power." Do you see that?</p> <p>20 A. I do, yes.</p> <p>21 Q. How are the forms of identification required by</p> <p>22 Senate Bill 14 calculated to marginalize minority voting</p> <p>23 power?</p> <p>24 A. Well, if you go back to 2009, when we -- when</p> <p>25 -- I don't remember the voting bill, the number that was</p>

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1 up in 2009, but the Voter ID bill in '09, we had  
2 discussions about other provisions or other forms of ID  
3 that can be used as well to try to be more inclusive,  
4 whether you have a voter ID or you can bring in two  
5 other forms of identification to include -- to include  
6 -- to vote. I'm sorry, I lost my thought. To vote.  
7 You can bring in two other forms of ID to vote.

8 So, and even when -- when offering, I  
9 think Gary may have made recommendations in his speech,  
10 or when he spoke before the Leg about other forms or  
11 what have you that can be used to -- to be more  
12 inclusive, and those were ignored or what have you, or  
13 -- or not considered. Then, I guess you could look at  
14 it and interpret it that way of -- of it's -- they're  
15 not wanting to be inclusive and to say, you know,  
16 minorities do not have the forms that you're listing.

17 I think in here, in our report, it speaks  
18 about when it comes your hunting license -- excuse me --  
19 how it's not something that a lot of minorities, African  
20 Americans have. So I think Gary probably had mentioned  
21 other forms or other things that could be more inclusive  
22 to say well, if we want to have -- we want to be secure  
23 and have people voting, this is how you can still do  
24 that, and it was ignored.

25 Q. Do you recall whether a hunting license was

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1 included as a qualifying ID in the 2009 bill, SB 362?

2 A. A hunting license?

3 Q. Yeah.

4 A. I don't believe it was.

5 Q. Did the Texas NAACP provide the Legislature  
6 with any data showing the levels of photo ID possession  
7 among various groups of voters in Texas?

8 A. Not that I recall.

9 Q. So when you say that the Legislature didn't  
10 include other forms of ID that would have been more  
11 inclusive, has the Texas NAACP conducted any studies  
12 about the rates or the percentage of minority voters in  
13 Texas who would possess the other forms of ID that  
14 weren't included?

15 A. Ask the question again. I'm sorry.

16 Q. Sure. Did the Texas NAACP conduct any studies  
17 on the percentage or proportion of minority voters in  
18 Texas who possessed the forms of ID that were not  
19 included in SB 14?

20 A. I don't believe we have, no.

21 Q. Does the Texas NAACP contend that the Texas  
22 Legislature intended to harm African American voters by  
23 passing SB 14?

24 A. Yes.

25 Q. And what's the basis for that, that contention?

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1 A. Well, once again, you go back to -- excuse me  
2 -- you see the data that's shown that shows how it's  
3 been -- minorities who will be lacking said  
4 identification. If you go back to 2009, when the bill  
5 was being debated, there was some insensitive comments  
6 that were made about minorities. If you look at what --  
7 that then Representative Brown made about telling Ramey  
8 -- or when Ramey Ko was testifying about how IDs could  
9 be a problem with Asian Americans, and she made the  
10 comments along the line -- and I don't have the direct  
11 quote -- but along the line of, you know, "Why don't  
12 y'all change your name to something more American."

13 You see that -- you -- you look at when  
14 Gary as testifying and saying how, you know, there's  
15 other forms and other things can you do to be more  
16 inclusive if you want to make it secure. Even though he  
17 didn't have -- have the data presented, but, you know,  
18 you can get the data from DPS or whoever before you pick  
19 these forms of ID that you did or that they didn't have  
20 the data themselves to show that these will be inclusive  
21 forms. These are just going off of, you know, feeling,  
22 I guess, or whatever. You know, they were saying where  
23 they don't have, when it comes to minorities, you know,  
24 a gun license and passports and driver license and what  
25 have you, and that is something that is always -- that

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1 everybody has.

2 And I think even when they mentioned,  
3 well, there will be a free ID to have, and it was said  
4 that, well, even getting a free ID, there's still costs  
5 to a free ID, and you should really look into, is that  
6 going to fix anything, and that kind of fell on deaf  
7 ears, where they didn't want to look into costs that are  
8 going to be associated even in that process. When you  
9 mention of distance that has to be traveled by people in  
10 rural and low income, what have you, areas, or even in  
11 urban, even in -- in cities. If you live in a place  
12 that may have public transportation in it, but the city  
13 bus drops you off five, six miles from the DPS office.  
14 Then you say well, you can take a bus -- take a bus and  
15 then catch a cab. Well, for them, catching the bus was  
16 a cost in itself, and the cab money is not going to be  
17 there. And if your birthday is in the summer, in Texas,  
18 a six-mile walk is not very pleasant, so. And then, you  
19 know, the six miles back and the time you have to walk  
20 get to the bus. So, I think when you look at instances  
21 like that, there is some concern.

22 Q. So the comments by Representative Brown, were  
23 those directed at Asian American voters?

24 A. Yeah.

25 Q. Well, Representative Brown, she was not a



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<p style="text-align: center;">133</p> <p>1 member of the 82nd, the 2011 Legislature, was she?</p> <p>2 A. She was not, no.</p> <p>3 Q. So she, obviously, didn't vote on Senate</p> <p>4 Bill 14?</p> <p>5 A. Correct.</p> <p>6 Q. Are you aware of other insensitive comments,</p> <p>7 like the one made by Representative Brown in 2009, are</p> <p>8 you aware of any other insensitive comments made in</p> <p>9 2011?</p> <p>10 A. Let me think.</p> <p>11 Q. Yes. Take your time.</p> <p>12 A. Sure. Sure. At this moment, I can't recall.</p> <p>13 I'd really have to do some -- it's been a while, so I</p> <p>14 would have to do some really good thinking to see what I</p> <p>15 can recall. But right now, at this moment, I can't</p> <p>16 recall.</p> <p>17 Q. Do you contend -- does the Texas NAACP contend</p> <p>18 that the Texas Legislature intended to harm Hispanic</p> <p>19 voters by passing SB 14?</p> <p>20 A. Yes.</p> <p>21 Q. And can you tell me what that contention is</p> <p>22 based on?</p> <p>23 A. I think it goes back to -- just to be basically</p> <p>24 what I just said earlier. A lot of the same issues of</p> <p>25 what I said in the answer to your previous question, we</p>	<p style="text-align: center;">135</p> <p>1 little more --</p> <p>2 Q. (BY MR. FREDERICK) Of course. Of course.</p> <p>3 A. -- specific?</p> <p>4 Q. Are you aware of any facts or evidence that</p> <p>5 would indicate a specific intent by the Legislature to</p> <p>6 harm African Americans voters specifically as opposed to</p> <p>7 all minority voters?</p> <p>8 MR. VANDEWALKER: Objection, vague.</p> <p>9 A. Could you ask that question again?</p> <p>10 Q. (BY MR. FREDERICK) Uh-huh. Are you aware of</p> <p>11 any evidence that indicates that the Legislature</p> <p>12 specifically intended to harm African American voters as</p> <p>13 opposed to all minority voters, as a larger group?</p> <p>14 A. Not that I'm aware of at this moment.</p> <p>15 Q. Are you aware of any evidence that would</p> <p>16 indicate the Legislature specifically intended to harm</p> <p>17 Hispanic voters as opposed to all minority voters as a</p> <p>18 group?</p> <p>19 A. Not that I can recall at this moment.</p> <p>20 Q. Does the Texas NAACP contend that the Texas</p> <p>21 Legislature intended to harm Asian American voters by</p> <p>22 passing SB 14?</p> <p>23 A. Yes.</p> <p>24 Q. And what is that contention based on?</p> <p>25 A. They would also fall into the group of minority</p>
<p style="text-align: center;">134</p> <p>1 felt it was in the same way directed towards Hispanic,</p> <p>2 and it kind of covered, you know, all minorities,</p> <p>3 because they fall in the same areas. So when we looked</p> <p>4 at it -- looked at it, it was -- it appeared that way to</p> <p>5 us.</p> <p>6 Q. Okay. So if I understand correctly, it's Texas</p> <p>7 NAACP's contention that -- that the Texas Legislature --</p> <p>8 well, let me rephrase.</p> <p>9 So am I correct in understanding that the</p> <p>10 contention about intentional harm to African American</p> <p>11 voters and intentional harm to Hispanic voters are based</p> <p>12 on the same -- the same evidence?</p> <p>13 A. Yeah. We believe that it was out to harm</p> <p>14 minorities, and we looked at it as out to harm Minority</p> <p>15 voters. And if you break it down by the different</p> <p>16 groups, that we still look at it as it, it was still the</p> <p>17 same for one would be the same for others, for the most</p> <p>18 part. And you know, there's probably something I've</p> <p>19 forgotten that I just don't remember at this moment, but</p> <p>20 what I said earlier is what I can remember at this time.</p> <p>21 Q. Are you aware of any fact or any evidence that</p> <p>22 would indicate a specific intent to harm African</p> <p>23 American voters?</p> <p>24 MR. VANDEWALKER: Objection, vague.</p> <p>25 A. Well, is there any way you can be, I guess a</p>	<p style="text-align: center;">136</p> <p>1 voters, and they would fall into the same reasons stated</p> <p>2 -- stated previously, early on, before.</p> <p>3 Q. And so I understand, and the reason that you</p> <p>4 mentioned some -- you mentioned an insensitive comment,</p> <p>5 but also, I think you talked about minority voters</p> <p>6 lacking the photo ID. So would that go for African</p> <p>7 American, Hispanic, and Asian American voters?</p> <p>8 A. Yes. I think even when you leave room for the</p> <p>9 people working the polls at the -- the discretion of if</p> <p>10 your name matches, what have you, especially when it</p> <p>11 comes to Asian American voters, as I think Ramey was</p> <p>12 saying, that it could look different than what's on the</p> <p>13 polls to what's on an ID -- ID card. So it would be</p> <p>14 issues there.</p> <p>15 Q. So is it accurate to say that the Texas NAACP</p> <p>16 contends that SB 14 was passed with a discriminatory</p> <p>17 purpose because of the effect it will have on minority</p> <p>18 voters?</p> <p>19 MR. VANDEWALKER: Objection vague.</p> <p>20 A. Yeah. Could you be a little --</p> <p>21 Q. (BY MR. FREDERICK) Of course. So as I</p> <p>22 understand, the Texas NAACP contends that part of the</p> <p>23 problem with SB 14 is that it will have an adverse</p> <p>24 impact on minority voters?</p> <p>25 A. Well, we believe that the data we -- we</p>



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1 submitted in -- in the letter to the DOJ shows that it  
2 will have an adverse impact on minority voters.

3 Q. Okay. And my question is: Other than the --  
4 other than its alleged effect on minority voters, is  
5 there any other basis for the Texas NAACP's contention  
6 that SB 14 was passed with a discriminatory purpose?

7 A. Ask the question again.

8 Q. Other than the alleged effect of SB 14 on  
9 minority voters, is there any other evidence that the  
10 Texas NAACP relies on for its conclusion that the bill  
11 was passed with a discriminatory purpose?

12 A. I think we've looked at -- there were  
13 representatives who were in office in 2009 who may have  
14 been against the bill being passed, and I think Tommy  
15 Merritt was one of them. And, you know, he voted that  
16 way on the sole purpose of not getting that bill done.  
17 It was, you know, nothing else but his. There was some  
18 people saying, you know, he didn't do the bill, and he  
19 had -- had an opponent. He lost because of -- of that.

20 I think the Chairman in '09 was Todd  
21 Smith, but that he -- and he tried to work out a deal  
22 for the bill that, you know, be agreed upon by  
23 everybody, for the most part, I think could be a  
24 consensus since it was -- since the shape of the House.  
25 And I looked at his race and what his opponent was

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1 saying and why people were saying it was solely voter ID  
2 driven. It was, this is, yeah, he didn't do what he --  
3 what he should have, he had pushed this through, what  
4 have you. So, I think when we look at what people were  
5 saying, I guess folks who either were against the bill  
6 or they felt like it push it through or ram it down or  
7 whatever, we look at those and that brings concern. I  
8 guess we looked at that as being problematic also.

9 Q. Okay. So you said Tommy Merritt?

10 A. I believe his name is Merritt, yes.

11 Q. Was he a House member?

12 A. He was a House member.

13 Q. And he got voted out after the 2009 session?

14 A. Yes.

15 Q. And it's your understanding that he was voted  
16 out solely on the issue of voter ID?

17 A. My understanding was that that was the, the  
18 contention. I think he was actually -- he was -- he was  
19 not in favor of voter ID, and he was a Republican from  
20 West Texas. I can't remember exactly where he was  
21 from. But what they were pushing against him for was  
22 that he wasn't for -- so the voter ID bill that didn't  
23 have, I guess, whatever was talked about it could be a  
24 better bill.

25 Q. And so his opponent in the race made voter ID a

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1 big issue?

2 A. Yes.

3 Q. Specifically, I guess, Tommy Merritt's lack of  
4 support for it?

5 A. Right. And Todd Smith also.

6 Q. Okay. Do you know who replaced Tommy Merritt?

7 A. David Simpson, I believe.

8 Q. All right. So is it the Texas NAACP's position  
9 that because David Simpson campaigned on voter ID, that  
10 SB 14 has a discriminatory purpose?

11 MR. VANDEWALKER: Objection.

12 MR. FREDERICK: Shall I restate the  
13 question?

14 MR. VANDEWALKER: You are welcome to  
15 restate the question or give --

16 A. Oh, I didn't know anything was coming after  
17 that objection. I'm sorry. Could you restate the  
18 question?

19 Q. (BY MR. FREDERICK) Sure. Is it the Texas  
20 NAACP's position that, because David Simpson campaigned  
21 against Tommy Merritt on voter ID, that SB 14 was passed  
22 with a discriminatory purpose?

23 A. I wouldn't say that or wouldn't as that -- I'd  
24 say when you look at overall, not just David Simpson,  
25 and how Todd Smith had a close primary race and that was

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1 the focus of what he needed the bill that we wanted  
2 passed through -- the focus of his primary, primary race  
3 that Todd Smith had. When you -- when you look at how,  
4 you know, the focus was, was the bill that, that we felt  
5 was a bad bill, and with the makeup the House that year,  
6 could have been a better compromise or makeup or it  
7 could have looked better, and there was no -- it's what  
8 was done, but what -- should have just been 362 when 362  
9 wasn't a good bill. When you look at that -- and I  
10 think it was stated then that how that bill, the effect  
11 that it would have on minority voters. You look at  
12 that, and then that becomes a concern.

13 Q. Is it the Texas NAACP's position that any  
14 legislator who voted for SB 14 acted with a  
15 discriminatory purpose?

16 A. I would say yes. Yes.

17 Q. And why is that?

18 A. We feel like it's a discriminatory bill, and I  
19 think if you see the discriminatory -- how the bill is  
20 going to discriminate against somebody or a group of  
21 people, you don't vote for it. So by voting for it, it  
22 was --

23 Q. Is there anything -- is there anything about  
24 SB 14, other than the impact that -- that you think it  
25 would have on minority voters, is there anything other



<p style="text-align: center;">141</p> <p>1 than that, that makes it a discriminatory bill?</p> <p>2 MR. VANDEWALKER: Objection, asked and</p> <p>3 answered.</p> <p>4 A. Would you rephrase the question?</p> <p>5 Q. (BY MR. FREDERICK) Of course. So is there --</p> <p>6 is there anything about Senate Bill 14, other than its</p> <p>7 alleged effect on minority voters, that makes it a</p> <p>8 discriminatory bill?</p> <p>9 MR. VANDEWALKER: Objection, asked and</p> <p>10 answered. Mr. Banks just testified for 20 minutes</p> <p>11 things other than the effect on --</p> <p>12 MR. FREDERICK: All right. Your objection</p> <p>13 is on the record. Thank you.</p> <p>14 A. Yeah, I would have to go back to, I think,</p> <p>15 everything we just had discussed would be how -- how we</p> <p>16 feel about the bill.</p> <p>17 Q. (BY MR. FREDERICK) I'm going to ask the</p> <p>18 question again, because I -- I mean, with respect to</p> <p>19 your lawyer, I'm not sure -- I can't say that I remember</p> <p>20 exactly what was said, so to make sure I've got the</p> <p>21 record.</p> <p>22 A. Sure. Sure. Sure. Sure.</p> <p>23 Q. So bear with me for a minute.</p> <p>24 A. Not a problem.</p> <p>25 Q. So other than the alleged effect that SB 14</p>	<p style="text-align: center;">143</p> <p>1 mean the effect of the bill or did you mean the</p> <p>2 discussion about Tommy Merritt's campaign and --</p> <p>3 A. Probably both or the effect of the bill. Tommy</p> <p>4 Merritt's campaign, what happened with Representative</p> <p>5 Smith -- Smith. And I think that makes to it your</p> <p>6 original question is what I'm trying to get at with. So</p> <p>7 I think that would be it.</p> <p>8 Q. Okay.</p> <p>9 A. Or what I can recall at this point.</p> <p>10 Q. But what I guess what I'm trying to understand,</p> <p>11 so I understand what you said, you said there -- you</p> <p>12 know, there's the effect, there are the insensitive</p> <p>13 comments, and then there's the treatment of the people</p> <p>14 who were against the bill?</p> <p>15 A. Right.</p> <p>16 Q. All right. So I'm trying to understand that</p> <p>17 third one, the treatment of people who are against the</p> <p>18 bill. Now, I mean, as I understand it, what your</p> <p>19 position is, is that people who -- well, there were</p> <p>20 certain people who got mad or wanted to, you know, to</p> <p>21 vote out of office people who didn't support the bill?</p> <p>22 A. Right.</p> <p>23 Q. So, and as I understand your contention, it's</p> <p>24 that kind of strong support for the bill that didn't</p> <p>25 pass in '09, that's part of the reason that you believe</p>
<p style="text-align: center;">142</p> <p>1 will have on minority voters, what else about SB 14</p> <p>2 makes it a discriminatory bill in your view?</p> <p>3 MR. VANDEWALKER: Objection, asked and</p> <p>4 answered and misstates prior testimony.</p> <p>5 A. Man, I think -- well, I guess I'd word it as</p> <p>6 what was previously stated, and I'm going to try to, try</p> <p>7 to explain, I guess, what I was saying, if I can</p> <p>8 remember everything I was -- was saying.</p> <p>9 I think when you look at -- at the</p> <p>10 treatment of -- of those who were against the bill or</p> <p>11 who they felt that, I guess, it was negotiating, but</p> <p>12 didn't go far enough or what have you, whatever, in the</p> <p>13 treatment of -- of those legislators, you look at</p> <p>14 insensitive comments that were made in previous times,</p> <p>15 which -- and those comments could be reflective of folks</p> <p>16 around her or they might have been just reflective of</p> <p>17 her -- I said the comments she made may have been</p> <p>18 reflective of others in the Legislature, maybe not just</p> <p>19 her, and you -- you couple that with what was said</p> <p>20 earlier, and I think that would make up how we feel.</p> <p>21 Q. (BY MR. FREDERICK) Tell me what -- tell me what</p> <p>22 you mean by what was said earlier. Is that --</p> <p>23 A. My prior -- ask the question again. I'm sorry.</p> <p>24 Q. Well, you said that with what was said earlier,</p> <p>25 and by "what was said earlier," do you mean -- do you</p>	<p style="text-align: center;">144</p> <p>1 that it's a discriminatory bill; is that right?</p> <p>2 A. Well, yeah. We look at it as the bill that</p> <p>3 came out -- I forget the number now -- SB 14, it's more</p> <p>4 discriminatory than, I think, what was -- was being</p> <p>5 worked on in '09.</p> <p>6 Q. Okay.</p> <p>7 A. So when you look at that with get out the</p> <p>8 people who were stopping the -- the discriminatory bill</p> <p>9 in '09, and come back with something, I guess, more</p> <p>10 discriminatory in 2011, SB 14, that leads us to</p> <p>11 conclusion.</p> <p>12 Q. As I understand your testimony, the position is</p> <p>13 that the people who supported this bill or voted people</p> <p>14 out because they didn't get it through before, their</p> <p>15 support is discriminatory because they supported the</p> <p>16 bill, and the bill was discriminatory; is that right?</p> <p>17 MR. VANDEWALKER: Objection, misstates</p> <p>18 prior testimony.</p> <p>19 Q. (BY MR. FREDERICK) Well, I guess, I'm trying to</p> <p>20 understand what -- how the support of certain people for</p> <p>21 a bill is discriminatory apart from the substance of the</p> <p>22 bill itself, and here's what I'm trying to figure out.</p> <p>23 A. Okay.</p> <p>24 Q. So I understand that the position is that, you</p> <p>25 know, this bill is discriminatory because it, you know,</p>



<p style="text-align: center;">145</p> <p>1 because we believe that it will have a negative impact</p> <p>2 on certain groups. So I understand that.</p> <p>3 A. Got you.</p> <p>4 Q. And so I also -- I mean, it sounds like part of</p> <p>5 the contention too, is, you know, anybody who would</p> <p>6 support or vote for that bill, you would contend maybe</p> <p>7 has a discriminatory purpose because the bill is going</p> <p>8 to have an effect, so if they're voting for that bill,</p> <p>9 then maybe they intend to effect to occur? Is that</p> <p>10 accurate?</p> <p>11 MR. VANDEWALKER: Objections, misstates</p> <p>12 prior testimony.</p> <p>13 A. And I'll see if I can say it so you can</p> <p>14 understand it.</p> <p>15 Q. (BY MR. FREDERICK) Sure.</p> <p>16 A. I'll do my best.</p> <p>17 Q. Sure.</p> <p>18 A. And maybe in my head, I got it, and it's just</p> <p>19 not coming out. But, you know, we look at -- at the</p> <p>20 bill, and show that the bill is discriminatory. Sorry.</p> <p>21 Show that the bill is discriminatory, and its effect,</p> <p>22 and to vote for a discriminatory bill that I think</p> <p>23 you're -- it's going to have a discriminatory effect.</p> <p>24 Q. Okay. Thank you. That I think I understand.</p> <p>25 And I guess what it sounds like to me and</p>	<p style="text-align: center;">147</p> <p>1 A. Sure.</p> <p>2 Q. Anything other than those three things that the</p> <p>3 Texas NAACP says show that this bill was passed with a</p> <p>4 discriminatory purpose?</p> <p>5 MR. VANDEWALKER: Objection, asked and</p> <p>6 answered.</p> <p>7 A. Can you ask the question again so I can try</p> <p>8 to --</p> <p>9 Q. (BY MR. FREDERICK) Sure. So as I understand it</p> <p>10 --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- the contention is that SB 14 was passed with</p> <p>13 a discriminatory purpose because the allegation is that,</p> <p>14 one, it will have a discriminatory effect or a negative</p> <p>15 effect on minority voters.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Two, there was an insensitive comment in 2009;</p> <p>18 and three, the treatment of people who were against the</p> <p>19 bill. And my only question is: Is there anything else</p> <p>20 that Texas NAACP would rely on for its contention that</p> <p>21 the bill had a discriminatory purpose?</p> <p>22 A. Then, I guess, does that include the --</p> <p>23 MR. VANDEWALKER: Objection, asked and</p> <p>24 answered.</p> <p>25 A. When you look at data submitted and shows how</p>
<p style="text-align: center;">146</p> <p>1 what I'm just trying to get straight in my own head is,</p> <p>2 it sounds to me like what you're saying is the reason</p> <p>3 that -- basically, it sounds like the problem is with</p> <p>4 the bill, and the only reason that people who voted for</p> <p>5 it would be thought to be discriminating is because of</p> <p>6 the effect of the bill. So I'm just not totally clear</p> <p>7 on what the support is adding, when the only reason that</p> <p>8 it would be discriminatory is because of what's in the</p> <p>9 bill.</p> <p>10 And so my question -- my question is: Is</p> <p>11 there anything in the bill, other than the effect that</p> <p>12 it's alleged to have, is there anything else that would</p> <p>13 make supporting that bill discriminatory?</p> <p>14 MR. VANDEWALKER: Objection, asked and</p> <p>15 answered, misstates prior testimony, and is confusing.</p> <p>16 We've gone over this, this very thing --</p> <p>17 A. I am confused. At this point, I think I'm...</p> <p>18 Q. (BY MR. FREDERICK) I understand. Well, let me</p> <p>19 just -- I think we can close it out. I understand what</p> <p>20 you're saying. I think I am being, perhaps, a little</p> <p>21 confusing.</p> <p>22 But is there anything, other than the</p> <p>23 alleged effect of the bill, the insensitive comments,</p> <p>24 and the political issues that you talked about, about</p> <p>25 with the primary races and Tommy Merritt.</p>	<p style="text-align: center;">148</p> <p>1 minorities will be less likely to have the ID that's</p> <p>2 allowed by the bill, and will have the forms of ID,</p> <p>3 access to what -- availability to get to locations to</p> <p>4 get the ID or funds that would be required to get the ID</p> <p>5 or to get the free ID or to get the documents to get the</p> <p>6 free ID or to get to the locations, I think when you add</p> <p>7 in all of that, as far as I can remember at this point,</p> <p>8 I think that would be it.</p> <p>9 Q. (BY MR. FREDERICK) Okay. Great. Thank you.</p> <p>10 Now, you mentioned a minute ago --</p> <p>11 MR. VANDEWALKER: I'm sorry. I'm sorry to</p> <p>12 interrupt, Mr. Frederick, but it's been -- we've been</p> <p>13 going a while. I was wondering if we could --</p> <p>14 THE WITNESS: Can we take a break? I was</p> <p>15 about to ask him.</p> <p>16 MR. FREDERICK: Sure. Yeah. Yeah. Let's</p> <p>17 take a break. I don't have a whole lot more, but I'm</p> <p>18 happy to take a break. Sure. Five, ten minutes.</p> <p>19 MR. VANDEWALKER: Okay. Five, ten</p> <p>20 minutes. Thank you.</p> <p>21 (Recess at 3:15 p.m. to 3:30 p.m.)</p> <p>22 Q. (BY MR. FREDERICK) So a few minutes ago, we</p> <p>23 were talking about an insensitive comment by</p> <p>24 Representative Betty Brown, and you mentioned that this</p> <p>25 comment might have been reflective of others in the</p>





<p style="text-align: center;">149</p> <p>1 Legislature?</p> <p>2 A. Yes.</p> <p>3 Q. What other legislators do you contend that this</p> <p>4 insensitive comment was reflective of?</p> <p>5 A. I -- I couldn't say. I couldn't say who else</p> <p>6 it could be reflective of. But it's just a thought that</p> <p>7 she could not be -- she may not be the only person</p> <p>8 thinking that way or ...</p> <p>9 Q. But you don't know of anything specific that</p> <p>10 would indicate that any other legislators were thinking</p> <p>11 that way?</p> <p>12 A. Nothing I can recall right now.</p> <p>13 Q. Does the Texas NAACP contend that the</p> <p>14 Legislature intended to harm poor or indigent people by</p> <p>15 passing SB 14?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What's the basis for that?</p> <p>18 A. I think once you look at -- there were -- and I</p> <p>19 can't remember all amendments offered. But, you know,</p> <p>20 there were amendments offered that would try to make it</p> <p>21 more accessible and easier on them to be able to vote.</p> <p>22 Whether it was saying, you know, you need to have the</p> <p>23 voting locations in better places. I know during</p> <p>24 discussion, it was brought up about how the free ID</p> <p>25 would not be free, when they would have to, you know,</p>	<p style="text-align: center;">151</p> <p>1 of IDs that they would have or normally have and use,</p> <p>2 and, you know, we look at the college, the cost of</p> <p>3 college is going up, so to try to put any more burden on</p> <p>4 -- on them for what they have to pay, that's</p> <p>5 unnecessary.</p> <p>6 There has been -- you know, we -- it seems</p> <p>7 like, you know, every election cycle, there's always</p> <p>8 something in Waller County that's happening, when it</p> <p>9 comes to students being able to vote. Every election</p> <p>10 cycle. And I think in Gary's testimony, he -- I can't</p> <p>11 remember if it was the 2009 testimony or just 2011</p> <p>12 testimony, but he had mentioned in there about the</p> <p>13 Prairie View 19, when you had 19 students who were --</p> <p>14 who I believe the applications were processed down in</p> <p>15 Waller County, and the Secretary of State and the AG's</p> <p>16 Office had to step in to get that done. But here,</p> <p>17 you're causing another hurdle. It seems like every</p> <p>18 year, every election cycle, we always hear of Waller</p> <p>19 County, Waller County, Waller County, which is -- I say</p> <p>20 Waller County because that's where Prairie View A&amp;M</p> <p>21 University is, just to clarify that.</p> <p>22 So you don't want to have any other</p> <p>23 obstacle that could be created to -- that would cause a</p> <p>24 young person to vote, especially, you know, when it</p> <p>25 comes to African Americans, then you look at the other</p>
<p style="text-align: center;">150</p> <p>1 pay to get the documents needed to get the free ID,</p> <p>2 because those documents weren't free, and there was no</p> <p>3 kind of waiver trying to put it before them saying if</p> <p>4 you meet the financial requirement you can get since</p> <p>5 you're trying to vote. I think it was just some of the</p> <p>6 -- that's coming to head right now, when you look at</p> <p>7 those things that could have been done to make it easier</p> <p>8 and have it accessible to your indigent and low income</p> <p>9 people, there was -- it was brought to their attention.</p> <p>10 Q. Does Texas NAACP contend that the Legislature</p> <p>11 intended to harm young people, young voters in</p> <p>12 particular, by passing SB 14?</p> <p>13 A. Yes.</p> <p>14 Q. And what's the basis for that contention?</p> <p>15 A. You look at the forms of ID that is offered to</p> <p>16 be used, and when it's -- I'm next to positive one of</p> <p>17 the amendments would have had college ID used, because</p> <p>18 on college campuses, that's what a lot of students have</p> <p>19 on them all the time anyway, and you have students who</p> <p>20 come from out of state who are able to vote where they</p> <p>21 live, and they are not able to vote or -- sorry --</p> <p>22 students who -- who come from out of state to -- to</p> <p>23 Texas, and they are eligible to vote in Texas, is what I</p> <p>24 was trying to say. My brain just shut down on me for a</p> <p>25 second. You know, so when you take away IDs, the form</p>	<p style="text-align: center;">152</p> <p>1 forms of IDs that are offered, the number that African</p> <p>2 Americans who have, I guess, the higher percentage of --</p> <p>3 and I'm sounding confusing -- would be college IDs, when</p> <p>4 it compares, come down to the others. So when you take</p> <p>5 away forms that college students would normally have,</p> <p>6 that's a concern.</p> <p>7 And I think even when -- it was a couple</p> <p>8 of months ago, I can't remember if it was a newspaper</p> <p>9 article or what it was, where there was a Republican</p> <p>10 Congressman in D.C., you know, and during one of the</p> <p>11 committee hearings, it was mentioned, they brought up</p> <p>12 Texas voter ID, and it was mentioned how -- he made a</p> <p>13 comment, they mentioned, "What do you think that they</p> <p>14 can't use college ID?" He said, "Of course you can use</p> <p>15 college ID. I'm sure it's in the bill. I've seen it."</p> <p>16 And one of his colleagues read to him, "No, you can't."</p> <p>17 He said, "No, I know it's there." And when they read it</p> <p>18 to him, it then became, "oh, well, I don't think they</p> <p>19 would do that, but I'm pretty sure I read it, and now</p> <p>20 I'll read it and find it." So you have others of the</p> <p>21 party that said they should pass the bill, push the</p> <p>22 bill, you know, saying that college ID should be there,</p> <p>23 I think we get a concern.</p> <p>24 Q. Does the Texas NAACP contend that the Texas</p> <p>25 legislature intended to harm elderly people by passing</p>





<p style="text-align: center;">153</p> <p>1 SB 14?</p> <p>2 A. Yes.</p> <p>3 Q. Can you explain the basis of that contention?</p> <p>4 A. Sure. Well, once again, you -- you look at --</p> <p>5 you have elderly who -- who may not be driving anymore</p> <p>6 and haven't been driving for a while, so they've let</p> <p>7 their ID lapse, and, you know, they may not need an ID</p> <p>8 because they're taken care of by family or what have you</p> <p>9 or whatever. So they may not have the ID or the ID may</p> <p>10 have lapsed, so now when it's time to get, go and get an</p> <p>11 ID, documents even necessary to produce to get the ID,</p> <p>12 they may not have. When it comes to if you had a</p> <p>13 midwife birth, or, you know, your birth certificate</p> <p>14 could be long lost and gone, or, you know, anything, and</p> <p>15 the hospital where you were born could -- especially if</p> <p>16 you were born, you know, in maybe in one of the rural</p> <p>17 areas or what have you, may no longer be operational and</p> <p>18 hasn't been for a while and you can't get, you know, the</p> <p>19 necessary documents to get the ID, you know, that's a</p> <p>20 concern also.</p> <p>21 Q. Is there anything other than that, that leads</p> <p>22 you to believe that the Legislature intended to harm</p> <p>23 elderly people with SB 14?</p> <p>24 A. At the moment, that's all I can recall.</p> <p>25 Q. Does Texas NAACP contend that the Legislature</p>	<p style="text-align: center;">155</p> <p>1 Legislature intended to harm urban voters by passing SB</p> <p>2 14?</p> <p>3 A. Yes.</p> <p>4 Q. Can you explain the basis for that contention?</p> <p>5 A. Sure. Once again, there were amendments that</p> <p>6 were recommended -- or amendments made, I should say,</p> <p>7 sorry -- that would say, you know, you need to have more</p> <p>8 locations even in some of your rural cities, I can think</p> <p>9 of, like Houston. You know, the DPS offices that you</p> <p>10 will in Houston may not be in every -- I mean, Houston's</p> <p>11 a big city. It takes an hour to go from one half -- to</p> <p>12 one side to the other side. So you can live in Houston,</p> <p>13 and you can use the public transportation and still be</p> <p>14 far away from a DPS office. So that amendment was --</p> <p>15 was made.</p> <p>16 They can still have the costs would be</p> <p>17 there for them as well. The cost, that could be a</p> <p>18 burden on them if they live in the inner city, and the</p> <p>19 money that they have is kind of budgeted already for</p> <p>20 what they need, and they wouldn't have the extra money</p> <p>21 for -- to get documents or to get a new ID or what have</p> <p>22 you, whatever. That could be -- that -- that was a</p> <p>23 concern of ours. When you -- and you look how, you</p> <p>24 know, there was amendments made for that as well -- as</p> <p>25 well, that were stricken down, and you would -- at the</p>
<p style="text-align: center;">154</p> <p>1 intended to harm rural voters by passing SB 14?</p> <p>2 A. Yes.</p> <p>3 Q. Can you explain the basis for that contention?</p> <p>4 A. Sure. There were -- there was amendments</p> <p>5 offered that would -- that would say that, you know, you</p> <p>6 would need to have a DPS office in every county, so if I</p> <p>7 live in one county, I don't have -- have this great area</p> <p>8 to travel to get what I need to vote. And we're saying</p> <p>9 we want to have, make that required. That's to help</p> <p>10 them out so they can, you know, have access to get to a</p> <p>11 DPS office to get their IDs. Those amendments were --</p> <p>12 or it may have been just one, I can't remember how many,</p> <p>13 but the amendment was, you know, voted down.</p> <p>14 I think there still could be, you know, a</p> <p>15 cost, the cost of -- of having to get to -- to</p> <p>16 locations, the cost of having to get documents needed to</p> <p>17 get the IDs as well, that could be -- that's a factor as</p> <p>18 well, when you're looking to whatever the burden you are</p> <p>19 putting on them in that aspect.</p> <p>20 Q. Is there anything else that you would point to,</p> <p>21 to support the contention that the Legislature intended</p> <p>22 to harm rural voters with SB 14?</p> <p>23 A. At the moment, that's -- that's all I can</p> <p>24 remember at -- at the moment.</p> <p>25 Q. Does the Texas NAACP contend that the Texas</p>	<p style="text-align: center;">156</p> <p>1 moment, that's all I can think of at the moment.</p> <p>2 Q. Those are all the questions that I have.</p> <p>3 Before we go off the record, are there any</p> <p>4 answers that you want to supplement or change from</p> <p>5 earlier?</p> <p>6 A. Can I have a minute?</p> <p>7 Q. Oh, of course. Take your time.</p> <p>8 A. Thank you.</p> <p>9 Q. And I don't mean to suggest that you should</p> <p>10 change any. I just want to give you the chance.</p> <p>11 A. Right. Okay. I think I'm okay.</p> <p>12 MR. FREDERICK: All right. Well, thank</p> <p>13 you very much for your time today. I appreciate it.</p> <p>14 MR. VANDEWALKER: If I could just -- the</p> <p>15 defendant intervenors have a few questions on redirect.</p> <p>16 MR. FREDERICK: Okay.</p> <p>17 EXAMINATION</p> <p>18 BY MR. VANDEWALKER:</p> <p>19 Q. Mr. Banks, do you remember the Legislature</p> <p>20 supported SB 14 talking about --</p> <p>21 THE REPORTER: I'm sorry.</p> <p>22 MR. VANDEWALKER: Let me try to take it</p> <p>23 off speaker phone. Is that better?</p> <p>24 THE REPORTER: That's much better.</p> <p>25 MR. VANDEWALKER: Okay. Great.</p>



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1 Q. (By Mr. Vandewalker) So my question is:

2 Mr. Banks, do you remember the justification that the  
3 legislators who supported SB 14 offering why did they  
4 think it was a good bill?

5 A. They felt that -- from what I can recall, they  
6 thought it was a -- that everybody would have -- access  
7 would be there, and they said that there was -- you  
8 know, they need to have protection from voter fraud.  
9 But when you look at the data that has been produced,  
10 voter fraud is not rampant or widespread throughout the  
11 state. There's been -- we haven't seen any cases that  
12 -- that's showing there is voter fraud or a need for a  
13 voter ID bill.

14 Q. So just so I can understand, are you expressing  
15 doubt that voter fraud is the real reason that SB 14 was  
16 enacted?

17 A. Yes. I think there hasn't been any evidence  
18 shown or proven or otherwise that there is a voter fraud  
19 issue in Texas.

20 Q. Thank you. And you talked a lot about -- or  
21 you talked some about amendments that were offered to SB  
22 4 but were rejected, and I believe you said that you  
23 think that some of those amendments would have decreased  
24 the discriminatory effect on various populations?

25 A. Yes.

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1 Q. Do you think that's also true of African  
2 Americans?

3 A. Yeah. I think the amendments that were offered  
4 would have decreased the discriminatory effect against  
5 African Americans.

6 Q. Thank you. And do you recall if in passing  
7 SB 14, the Legislature changed any of its own rules?

8 A. Yes, they did. On the Senate side, they  
9 suspended the two-third rule, which two-third votes is  
10 needed to bring a bill up on the floor to have floor  
11 debate. They suspended that, that rule and had the  
12 debate as the Committee as a Whole on the House -- on  
13 the Senate floor.

14 Q. Thank you. And do you recall any members of  
15 other minority groups testifying about the  
16 discriminatory effects that SB 14 might have?

17 A. Yes. MALDEF testified of discriminatory  
18 effects it would have on Hispanics and minorities. I do  
19 believe the League of Women Voters did, as well as the  
20 ACLU.

21 Q. Thank you. Do you know whether or not Texas  
22 tried to convince the U.S. Department of Justice to  
23 allow it to enforce SB 14?

24 A. Yes. They did submit information to the  
25 Department of Justice, but I believe the Department of

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1 Justice said that the information was insufficient,  
2 because it wouldn't show the effects that it would have  
3 on the minority population with the data that Texas was  
4 able to -- that Texas sent them.

5 Q. Do you know what the data that Texas submitted  
6 did show?

7 A. I think it -- they sent them the Spanish  
8 surname, which would give information about -- it was --  
9 it would be limited information of those that just have  
10 a Spanish surname, but they can tell they have IDs, but  
11 it would not be reflective of African American, Asian,  
12 and other communities, and low income communities if  
13 they are able to have an ID or not.

14 Q. And do you recall what the data showed about  
15 people with Spanish surnames?

16 A. It showed that some did have voter ID, but if I  
17 remember correctly, and I know it's not a letter, I  
18 think there was a larger number of those where they  
19 could tell they didn't have a voter ID, or didn't have a  
20 government ID.

21 Q. Do you remember if the rate that Hispanic  
22 residents of Texas didn't have a photo ID was more or  
23 less than other racial groups?

24 A. It was less than Anglo. I think when it came  
25 to -- there definitely was disparity between the

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1 Hispanic surname and the Anglo group, and I think it was  
2 able to show that there was a disparity with -- between  
3 Anglos and Hispanic groups.

4 Q. And turning to the concealed handgun license,  
5 the data about people who have concealed handgun  
6 licenses, do you know anything about the relative  
7 proportion of different races within -- I'm sorry,  
8 strike that.

9 Do you know anything about the relative  
10 proportion of different racial minorities having  
11 concealed handgun licenses?

12 A. Somewhat, yes. I believe the data that they  
13 also submitted showed that African Americans and other  
14 minorities are at least likely to have concealed handgun  
15 licenses then when compared to Anglos.

16 Q. Thank you. Do you know, is SB 14 currently in  
17 effect right now?

18 A. It is not, no.

19 Q. If SB 14 goes into effect, will the NAACP have  
20 to change its programming or activities?

21 A. We will have to make some adjustments, yes. We  
22 would -- we would definitely need to get our members and  
23 constituents informed of what the new law entails. And  
24 so we'll have to use our resources or divert resources  
25 that would be used for other things to inform others,



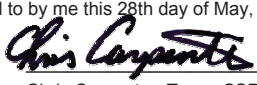
<p style="text-align: center;">161</p> <p>1 and to whatever extent that we could, to -- to help</p> <p>2 people get to what -- get what they need to be able to</p> <p>3 vote as well. So it could have an impact on us.</p> <p>4 Q. When you say get what they need to be able to</p> <p>5 vote, what do you mean?</p> <p>6 A. Well, one, we would have to give them the</p> <p>7 information so they know, you know, which IDs they would</p> <p>8 need, or it may be having to try to help some of the,</p> <p>9 you know, elderly, try to track down, if they can, what</p> <p>10 they need, if not, help them in other ways. Or if it's</p> <p>11 -- our branches may try to do shuttles or, you know, try</p> <p>12 to help out some of the people who will be affected, and</p> <p>13 that would take away resources that they could use</p> <p>14 implement to help people in other ways would have to be</p> <p>15 diverted, whether it's doing shuttle services or things</p> <p>16 of that nature.</p> <p>17 Q. So if the Texas NAACP has to actually do those</p> <p>18 kinds of things, do you think you'll find members and</p> <p>19 constituents who don't have the ID and need those kinds</p> <p>20 of services.</p> <p>21 A. I would think so. I think, as of right now,</p> <p>22 with this not being in force and people are knowing you</p> <p>23 can vote as you normally do, there's no concern about</p> <p>24 it. I think once -- or if it becomes enforced, I think</p> <p>25 more people would come forward and be worried and</p>	<p style="text-align: center;">163</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 RE: TEXAS VS. HOLDER, ET AL</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 I, YANNIS BANKS, have read the foregoing deposition</p> <p>21 and hereby affix my signature that same is true and</p> <p>22 correct, except as noted above.</p> <p>23 _____</p> <p>24 YANNIS BANKS</p> <p>25</p>
<p style="text-align: center;">162</p> <p>1 concerned that they cannot vote because they are not</p> <p>2 able to get -- or able to obtain the necessary forms of</p> <p>3 identification.</p> <p>4 MR. VANDEWALKER: Thank you. We have no</p> <p>5 further questions.</p> <p>6 MR. FREDERICK: Reserve further questions.</p> <p>7 MR. VANDEWALKER: We would like to review</p> <p>8 and sign the transcript. And could the court reporter</p> <p>9 give us a reading on the time, since this has only been</p> <p>10 part of this 30(b)(6) deposition.</p> <p>11 (Signature reserved.)</p> <p>12 (Deposition concluded at 3:52 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">164</p> <p>1 THE STATE OF _____)</p> <p>2 COUNTY OF _____)</p> <p>3</p> <p>4 Before me, _____, on this day</p> <p>5 personally appeared YANNIS BANKS, known to me (or proved</p> <p>6 to me under oath or through _____</p> <p>7 (description of identity card or other document) to be</p> <p>8 the person whose name is subscribed to the foregoing</p> <p>9 instrument and acknowledged to me that they executed the</p> <p>10 same for the purposes and consideration therein</p> <p>11 expressed.</p> <p>12 Given under my hand and seal of office</p> <p>13 this _____ day of _____, 2012.</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 NOTARY PUBLIC IN AND FOR</p> <p>18 THE STATE OF _____</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA

3 STATE OF TEXAS, )  
4 Plaintiff, )  
5 VS. )  
6 ERIC H. HOLDER, JR. in his )  
7 official capacity as Attorney )  
8 General of the United States, )  
9 Defendant, )  
10 ERIC KENNIE, et al, )  
11 Defendant-Intervenors, )  
12 TEXAS STATE CONFERENCE OF ) CASE NO. 1:12-CV-00128  
13 NAACP BRANCHES, ) (RMC-DST-RLW)  
14 ) Three-Judge Court  
15 Defendant-Intervenors, )  
16 TEXAS LEAGUE OF YOUNG VOTERS )  
17 EDUCATION FUND, et al, )  
18 Defendant-Intervenors, )  
19 TEXAS LEGISLATIVE BLACK )  
20 CAUCUS, et al, )  
21 Defendant-Intervenors, )  
22 VICTORIA RODRIGUEZ, et al., )  
23 Defendant-Intervenors. )  
24 REPORTER'S CERTIFICATION  
25 DEPOSITION OF YANNIS BANKS  
MAY 25, 2012  
I, Chris Carpenter, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:  
That the witness, YANNIS BANKS, was duly sworn by

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1 the officer and that the transcript of the oral  
2 deposition is a true record of the testimony given by  
3 the witness;  
4 That the deposition transcript was submitted on the  
5 \_\_\_\_\_ day of \_\_\_\_\_, 2012, to the witness or to the  
6 attorney for the witness for examination, signature and  
7 return to \_\_\_\_\_, by  
8 \_\_\_\_\_, 2012; and if returned, the original  
9 transcript will forwarded to Matthew Frederick, the  
10 custodial attorney;  
11 That the amount of time used by each party at the  
12 deposition is as follows:  
13 Mr. Frederick: 4 hours, 49 minutes  
14 Mr. Vandewalker: 10 minutes  
15 I further certify that I am neither counsel for,  
16 related to, nor employed by any of the parties or  
17 attorneys in the action in which this proceeding was  
18 taken, and further that I am not financially or  
19 otherwise interested in the outcome of the action.  
20 Certified to by me this 28th day of May, 2012  
21   
22 Chris Carpenter, Texas CSR 115  
23 Expiration Date: 12/31/2012  
24 100 Congress Avenue, Suite 2000  
25 Austin, TX 78701  
(512)328-5557  
Firm Registration No. 283



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